

EXTENSIONS OF REMARKS

UNDERSTANDING THE POW
PROBLEM

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. PREYER of North Carolina. Mr. Speaker, all the Members of the House share a common concern for the fate of our American servicemen still held prisoners in North Vietnam. I know that most of us have found it very frustrating to try to bring some relief to their situation. I congratulate several Members who have come up with imaginative proposals for communicating the overwhelming reaction of the American people against the failure of Hanoi to observe the most elementary standards of humane conduct in the treatment of POW's.

The press has done an outstanding job of telling the story of these men and their families and I was particularly impressed with a special section which the Norfolk Virginian-Pilot printed in early summer. I am inserting into the RECORD several stories by members of the newspaper staff—Don Hill, Morris Rowe, and Shirley Bolinaga—which are especially fine contributions to our understanding of the problem:

[From the Virginian-Pilot, June 16, 1970]

LIKE THE PRISONERS AND THEIR FAMILIES, THE
YEARS TURN GRAY

(By Shirley Bolinaga)

There is a small cadre of Navy flyers' wives in Virginia Beach waging their own private war with Hanoi.

Their objective is personal, not political, and their principal and perhaps only weapon is public opinion which they seek to mobilize and turn against Hanoi.

For some, Vietnam is a prison, holding their husbands for an indeterminate sentence, one they fear may prove a death sentence.

For others, Vietnam may be the graveyard hiding the bodies of the men they married, the fathers of their children. But they can't know for sure.

"I never thought I'd be glad to see a death certificate," said one attractive young wife. "But now I would. If he's dead, I'd like to know, so I can start adjusting."

But only Hanoi knows for sure, and Hanoi, in many cases, simply isn't telling.

Wives of men who are prisoners or missing in action mail packages every other month, and write letters monthly, as proscribed by Hanoi. They address them to the Camp of Detention for American Fly Pilots, Hanoi.

Then they put them in the mail . . . and wonder.

One wife admits to having visions of a huge hut in Hanoi, heaped high with tons of letters from relatives of missing and captured American men, a kind of dead letter office, where once in a while, a North Vietnamese may go and scoop up a handful to distribute to a few lucky prisoners.

While back home, days slip into weeks, melt into months, and suddenly years, and the women continue waiting and wondering if their husbands are dead, or alive and slowly dying of malnutrition, lack of medical care, disease, exposure, or even loss of the will to live.

After years of waiting, hoping, and praying, they have added agitating to the list. After carefully keeping silent on their husbands' plight and on their own, they have started speaking out, and they are turning up the volume. They want to be heard in Hanoi.

Some have flown off to Paris to try to reach the North Vietnamese peace negotiators, and, meeting little more than rudeness there, they've gone on to Rome to plead with the Pope, who, sympathetic, said he too was concerned about the situation.

Others have assailed Congress and other government officials, trying to stimulate their active interest. They've gone to the United Nations to plead for its intercession, and to Geneva, trying to get the International Red Cross to press for its customary access as an inspector of prison camps. Almost daily, they speak to clubs, civic organizations, church groups, anybody who will listen.

Their over-riding wish is for the men's release, but they are fighting now to get North Vietnam to abide by the Geneva Convention which provides for the humane treatment of prisoners, inspection of camps, repatriation of the sick and wounded, the free flow of mail, and prompt release of names of prisoners.

The colony of wives in Virginia Beach—23 total, 19 of whom cooperated in the preparation of this section—draw comfort and encouragement from each other. Most lived there when their husbands went down. Others moved in later, some because past tours brought them here, others to be near the Navy facilities they are entitled to use. "You go, I think, where you have the happiest memories," said one POW wife. (One Air Force POW's wife, Mrs. Richard Butt, lives in Norfolk, her hometown.)

Financially, most are secure because they draw their husband's pay and allowances, including such extras as flight pay and combat pay. Most live in comfortable homes in upper middle class subdivisions.

But the comfortable accouterments can't chase away the black cloud that hangs over them, like smog settled above the city.

"You can't ever forget for a minute," said one attractive young wife. "No matter where you are or what you're doing, or how good a time you appear to be having, it's there nagging you in the back of your mind."

Her husband's an MIA, and she's always wondering if he's dead or alive. The same nagging questions constantly stab the POW wives: He's survived this long, but is he being mistreated? Is he slowly starving? Does he get the packages? The snapshots? Does he think we've forgotten him, that we really don't care anymore? Why don't they let him have reading material?

And for both groups, the overriding frustrations: What can I do? What can the United States do? Why can't somebody, somewhere, do something? Can this go on forever?

"You can't really believe it's happened to you, that it's not all a bad dream, one you'll awaken from soon," said the pretty young mother of three girls. "But then the day's over, and he doesn't come home."

It's a surrealist kind of world where things that can't be true, are, and nightmare situations last all day.

Despite that, the women, largely, turn a cheerful and optimistic countenance toward the world. The ones with children are caught up on the merryground of doctors, dentists, Boy Scouts, Girl Scouts, cubs, brownies, swimming lessons, dancing lessons, and all the things that make chauffeurs of suburban mothers.

The ones without children (and some with them) have jobs, and get together for movies and dinners. Some go to parties, but most say they either feel out of place or frankly out of touch with the things that make up their friends' lives and conversations.

"I don't know what to do at a party without Jack," said Mrs. John Fellowes, recalling that her jolly, ebullient, red-haired Irish husband did enough talking for both of them.

Her husband's wingman saw him and his navigator ejecting after his plane was hit, but she had had no word about him since that day, Aug. 27, 1966. His navigator's name, however, came out on a list of prisoners. "I know he's there," said she, "and that he'll come out with the rest." Meanwhile, she stays busy with their four children, 6 through 13.

Many of the women play little games. They choose imaginary dates when the men will return home. But the longer the time, the more they worry.

When Lt. Robert Frishman and two others were released by the North Vietnamese last summer, they spun horrifying tales of life in the communist prison. They told of beatings, solitary confinement, being hung by the arms, and a poor diet, mostly of rice and pumpkin soup with some pig fat in it.

Rats were frightening, Frishman said, but soon he began eyeing them as a potential food source. Seaman Doug Hegdahl told of being allowed to hold an English language magazine long enough to have his picture taken by a foreign journalist. Then the North Vietnamese snatched it away.

Major James Rowe, who escaped from a camp in South Vietnam, told of two fellow prisoners who died of malnutrition because they just stopped eating the rice that was their main diet. One was a Filipino who had been raised on a diet mainly of rice, but finally he could bear no more and so he starved to death.

The women had steeled themselves, knowing that their husbands would be in a bad situation; nonetheless, they were shocked and terrified by the released prisoners' tales.

That helped spur them to action. They decided they could no longer sit idly by, waiting for something to happen. Secretary of Defense Melvin Laird had also partially uncapped the government's silence on the matter last May by calling on the North Vietnamese to abide by the Geneva Convention.

The women started speaking out.

"I had been considering it because it had been more than four years (since her husband went down)," said soft-spoken Mrs. Jeremiah Denton, a native of Alabama. "Lt. Frishman's statement made me feel I couldn't sit and wait. I might wait too long."

Her husband went down July 18, 1965, almost five years ago, when the youngest of their seven children was 18 months old. Now she's a sparkling 6-year-old.

Time, Mrs. Denton fears, may be running out.

Once Capt. Denton was shown on a TV interview, staged by the North Vietnamese for a foreign journalist. Mrs. Denton was shocked at his appearance. "That was one of the worst moments," she said.

He was asked about American policy in Vietnam and replied, "I don't know what's happening but whatever the position of my government is, I support it. I'm a member of that government and it is my job to support it, and I will as long as I live."

"To me, a very important part of that is, 'It is my job.'" Mrs. Denton pointed out. "He has no choice as a military man acting under orders. He did not make the policy;

he was only implementing it. Therefore, he can never be called a criminal as Hanoi has called him. Every nation recognizes that the military is subject to the government and has no choice."

Hanoi has claimed that the pilots are war criminals, and therefore not subject to the Geneva Convention. But Seaman Hegdahl's only crime was having the misfortune to tumble overboard from his Navy ship.

Cmdr. Denton and Lt. William Tschudy, his bombardier-navigator, were the first airmen from the East Coast to fall in North Vietnam.

Then Secretary of Defense Robert McNamara was aboard their carrier when their A-6 Intruder took off for its mission.

Both wives feel they were "very fortunate" in that they knew right away that their husbands got safely out of the plane. Five days later, Hanoi acknowledged their capture, and released pictures of them. Mrs. Tschudy thinks that was primarily a propaganda move because of McNamara. "They said, 'McNamara sent these men into captivity.'" Mrs. Tschudy said.

It was seven months before either received a letter from her husband.

Mrs. Denton recalls a strange occurrence the night the men were shot down. She had taken the children to see the movie *Mary Poppins*. Suddenly she was seized with a strange feeling. It was as though for the first time she comprehended the extreme danger her husband was in. She tried unsuccessfully to shake it off, but the next day, an officer from Oceana and his wife came to tell her he had been shot down. She still winces when she hears songs from *Mary Poppins*.

Like many others, Mrs. Denton usually eyes Christmas as the target date for the men's release. "But that seems too far away this year," she said. "I hope it's sooner. If I had to pick a day, I'd say July 15, his birthday." He will be 46, and has spent the last four birthdays in prison.

Mrs. Tschudy stays busy with her son Michael, now a handsome, blond 5-year-old, who was only a few months old when his father left. She makes speeches, and appeared on the Mike Douglas show with Texas Millionaire Ross Perot. "We desperately need the help of concerned people," she said.

Another frequent speaker is Charlotte Christian, mother of three girls, who had no word from her husband for almost three years after he was shot down, April 24, 1967. He and his bombardier-navigator were last seen ejecting from their A-6 Intruder.

Around last Christmas, the bombardier-navigator's name was on a list released by Hanoi, which gave Mrs. Christian renewed hope. Finally, last month, she got a letter. He was indeed alive.

She ruefully recalls saying once to her husband, "I'd rather you were dead than a prisoner." But he disagreed. "Where there's life, there's hope," he replied.

"Now I realize how wrong I was," she said. It's all hard to explain to the girls, she said. "I tell them he's alive, and they say, 'Why doesn't he come home? Don't they like him?'" The 8-year-old said, "I wish they'd let him come for Christmas."

Mrs. Christian recalls the day the bad news came. One of the girls had broken a leg, and she had just returned from the hospital. She responded somewhat absentmindedly when the doorbell rang, and only when the base commander and his wife were half way across the room did she realize why they were there. "No, don't tell me anything," she pleaded.

Mrs. Christian speaks frequently to groups, and has prompted many letters, including some from her children's classmates. One of her favorites was from a 10-year-old boy who laid it on the line. "You dirty, Communist slob," he wrote, "why don't you let Mr. Christian come home?"

"I have no magic solution," she said, "But then I'm not a leader of this country."

That feeling is shared by many of the wives. They feel the government which committed the men to the fight should be able to get them released.

Mrs. Allan Brady, like many of the other wives, feels more comfortable here than elsewhere. "I want to stay here and want to be here when he comes back. It's sort of my security," she said.

Her children are immersed in their activities, and she finds the other wives "really a marvelous bunch of women."

She too turns a cheerful face toward the world. "You can be bitter and resentful if you wish, but people don't like to be around people like that," she said. "And it's terrible for the children. You have to take each day, and hope the next will be better."

Her husband, a Navy commander and executive officer of VA 85, was shot down more than three years ago, Jan. 19, 1967. For 15 months, she didn't know if he was alive or dead, a period she calls "a nightmare in every sense of the word." Then one day, a friend showed her a photograph of a prisoner, clipped from a West German newspaper. It was her husband.

"I couldn't believe it. It was amazing. I'll never forget that morning," she said.

Finally last month, Hanoi released his name.

"I simply can't understand why they won't release all the names," she said. "I do believe my husband's name came out because of all the letters. I'm convinced that has made the difference. I believe we have to keep the pressure on Hanoi."

The Liaison Committee notified her that she would receive a letter from her husband, but that was several weeks ago and she is still waiting. "I don't know how I'll react when I actually have something in hand," she said.

"Now we need help for all those girls who have not heard," she said.

Mrs. Walter Eugene Wilber first heard from her husband around Christmas, when his captors let him broadcast a Christmas message to his family. Last month, he broadcast a birthday message for his wife.

Meanwhile, she waits with their four children in a house packed with the antiques she and her husband like to collect, and with furniture that he made.

Her paintings and carefully-embroidered samplers adorn the walls. One sampler's message is: "Four Seasons fill the measure of the year." She's hoping for a short measure before her husband returns.

In the birthday message, he said, "This is the year of our reunion." She tries not to put too much stock in that. "I hardly read that because of letdowns in the past," she said. "After you first hear he's down, you set yourself a little goal—I'll live for the next three months, and maybe I'll hear in November. Then November comes, but nothing happens. Then you set another goal—By next June when school's out, I'm going to get a letter, or he'll be released."

Mrs. James Mulligan has also noticed that the latest letters from her husband have been more optimistic, and mentioned being reunited this year. "I'm certain conditions have improved and I think this can be attributed to the fact that they can write more," she said.

Her husband was leading a flight of three planes when he was shot down. His wingmen dropped everything they had, including their gun racks, on the men that came racing out of the tree line toward Cmdr. Mulligan, who hit the ground and didn't move. The men carried him off.

She never doubted he's alive, "Jim Mulligan's no fool," she said. "When you're down in enemy territory, you'd be a damn fool to get up and run. I felt he was alive."

He was shot down in March 1966. In July,

Hanoi released his name and picture. She didn't hear from him until the next January. Even so, that was sooner than he heard from her. It was 21 months before the North Vietnamese gave him one of her letters, on Christmas Eve, 1967.

One young wife recalled when her husband was first transferred to Oceana and a friend pointed out at a luncheon a girl whose husband had been missing for a year. "I stared at her and wondered how she could stand it," she said ruefully. "Now I'm in the same dumb situation, and I know."

Like the others, she presents to the world the calm demeanor of a woman who has adapted to an impossible situation, but she readily admits that it's merely a good act, one she has been rehearsing for years, and is quite expert at.

Mrs. Thomas Stegman, a young mother of two sons, Michael, 4, and Christopher, 2, keeps a stiff upper lip most of the time, but it trembles a bit when Christopher, only a month old when his father left, looks at the picture of the father he has never known and says, "There's Mike's Daddy."

Her husband's plane went down on the foggy night of Feb. 28, 1968. "They found part of the plane in the Gulf of Tonkin, including an inflated raft," she said. "It doesn't look too good," she admits, but she has not given up hope. "I have just enough hope to keep going."

Hope sent her to Paris with two other Virginia Beach women seeking information on their husband.

She regularly writes letters to Hanoi officials asking them to release names and abide by the Geneva Convention. She doesn't know how much good it does, but feels it can't hurt.

Lt. (j.g.) Nicholas Mallory Carpenter, now 28, was shot down June 25, 1968, on the last mission of his second Vietnam tour of duty. He had flown 200 missions and was scheduled to go home the next day. The Carpenters' first child, Kathleen, was born five weeks later.

Looking back, Mrs. Carpenter is thankful that she flew to Hong Kong to meet him for a rest period there the month before he went down.

[From the Virginia-Pilot, June 16, 1970]
HE HANDS IT TO YOU WITH PROOF AT ELBOW
(By Don Hill)

He was tall and still startlingly gaunt, but handsome. His Navy khakis were sharp, but the epaulettes stood out oddly, like football shoulder pads on a skinny kid.

You'd heard so much about Lt. Robert Frishman and what he's been through that at first all you thought of was to get a good look at the man. Then you realized what was happening.

You were shaking his hand.

This was the Lt. Frishman who'd waved off a suggestion last August that someday his right arm would be usable again, that American doctors would fix it for him.

"Oh, no, they won't," he'd said. "It's impossible now."

And there he was in a Capitol Hill hearing room, smiling, striding about, gazing with those intense, deep-set eyes into the faces of congressmen and newsmen and POW wives and, of all things, vigorously shaking hands with that once wasted, hopeless arm.

Frishman is a folk hero now among the "sisters in hell," the wives and families of prisoners of war and men missing in action in Southeast Asia. He was one of those 1,500 comrades in oblivion. He is one of nine who came back.

But more than that, he's the man who more than anyone else symbolizes the bursting of the dam of silence that America maintained for five years about the imprisonment by the North Vietnamese of American servicemen captured in war.

The Johnson Administration had adhered to the policy of silence and President Nixon had started the machinery to reverse it. Defense Secretary Melvin Laird had officially broken it in May with a press briefing and statements.

The wives had been chafing to speak out, to work, to protest, to do something, but they had been bound by warnings from government officials. Frishman set them free.

He told of a comrade, regularly tortured by the North Vietnamese prisoner guards, who nevertheless continued to resist.

"He told me," Frishman said, "not to worry about telling the truth about him. He said that if he gets tortured some more at least he'll know why he's getting it and he will feel that it will be worth the sacrifice."

Frishman added, "I feel like I'm (his) chance to blow the whistle and get the facts out."

He's been blowing the whistle ever since. It makes a hideous sound.

Lt. Robert Frishman was a naval reservist, an aspiring dentist when he went on active duty in October 1965.

He became a pilot, and two years later was flying his 128th mission over North Vietnam in an F4B off the carrier Coral Sea.

The mission was an airfield near Hanoi. Nine surface-to-air missiles burst near his plane. His right arm was shattered when his plane was hit. He and copilot Lt. (jg) Earl Lewis Jr. ejected. Lewis remains a prisoner.

On the ground, Frishman found himself surrounded by about 30 villagers, some armed. He was hustled into a jeep, blindfolded, and jounced over dirt roads to about seven air defense sites.

He was bleeding profusely. A bone jutted from his right arm. He was jerked hither and yon and paraded within the sites. Blows were aimed at him, stones thrown. He collapsed from loss of blood. Finally he was taken to Hanoi.

For three days he was interrogated. He was told he would receive no medical care until he divulged military secrets. He was told he would die.

After the initial efforts at interrogation, Frishman was taken to a military hospital. There his elbow was removed.

He was later able to report, "The doctors at Bethesda (Naval Hospital) tell me that if you have to remove an elbow, the way they did seems to be professional. I still have a right arm and I'm thankful for that."

One of the paradoxical obsessions of his North Vietnamese captors was directed at winning statements from prisoners that their treatment was humane. Said Frishman, "You sit on a stool in this hot room and you just sit there and sit there. Until you pass out. After a day or two your legs and ankles swell up."

Frishman finally was turned over by the North Vietnamese to an American peace group. He said he doesn't know why he was released. Perhaps because he was wounded, he said.

"I had strong convictions about what I wanted to do," Frishman said. But he didn't do it right away.

At a "press conference" still in North Vietnam, he was asked, "How was the treatment you received . . . ?"

He replied, "I received adequate food, clothing, and housing."

"Would you describe it as humane treatment?" he was asked.

He replied, "Sir, I believe I have answered that question."

At Kennedy International Airport soon after, he maintained the formula. He had received "adequate food, clothing, and housing."

It was not until 25 days later, at Bethesda, in a military-sanctioned press conference that he took a deep breath and began to blow the whistle. Why the delay?

"I am a military man. I had strong convictions about what I wanted to do, but I had been a prisoner for two years. I didn't know the situation. I wanted to be debriefed," he said.

He paused and smiled. "Also dewormed and deloused," he added.

When he did talk, Frishman had much to say and some he held back. "I don't want to critique their techniques," he said. "They want to know how well they did, and to improve their methods. I'm not going to help them out."

He said he felt the Congressional hearings and other public divulgements about the captivity of the Pueblo crewmen in North Korea had helped America's Asian enemies to rewrite their textbooks about handling U.S. prisoners.

He told of seeing Lt. Comdr. John McCain, son of the admiral known so well to Norfolks. He got just enough medical treatment to keep him alive, Frishman said.

He said, "The North Vietnamese told me that John McCain was the worst wounded pilot. He has many broken bones but he can walk with a very pronounced limp and a stiff arm. He has been in solitary confinement but when you're wounded like John is, it's even more difficult because you don't have anyone to help you wash yourself, or your clothes, or keep your room clean."

Frishman told of the ordeal and courage of Lt. Comdr. Richard Stratton. Stratton was the POW who told Frishman to speak out and damn the consequences.

"He'd been tied up with ropes to such a degree that he still has large scars on his arms from rope burns which became infected. He was deprived of sleep, beaten, had his fingernails removed and was put in solitary," Frishman said.

Why? To make him confess that he was receiving humane treatment.

But now the ordeal is over for Lt. Robert Frishman, 28, of Long Beach, Calif. He expects to be discharged from the Navy soon on disability.

Navy doctors performed nearly a miracle on his arm. They created a plastic joint to replace his elbow. It's a well-known procedure on finger joints and the like, but Frishman said his is only the second elbow case of its kind in medical history.

Physical therapy is restoring strength to an arm partially atrophied from disuse. Frishman, the boy who studied to be a dentist and took time out to be a pilot, will never deftly wield a dental drill, nor fly again. But he hopes now to study medicine and become a medical doctor.

No doubt his wife, Janet Lynn, rescued from among the ranks of the sisters in hell, approves.

Interview over, Frishman unfolded his long body from a chair. He headed for the door, turned and paused, and waved cheerily.

He did it with his right hand.

[From the *Virginian-Pilot*, June 16, 1970]
TWO WIVES ARE TWO FISTS RAISED AT CLOSED DOOR

(By Morris Rowe)

VIRGINIA BEACH—The lives of Sue Shuman and Martha Doss were practically worlds apart until their husbands, stationed at Oceana Naval Air Station, became flying mates when they left here in December 1967 for a tour in Vietnam.

They met each other two months before their husbands departed.

The two became like sisters on a rainy Sunday morning in March 1968, when they were notified that Cmdr. Edwin Arthur (Ned) Shuman III and Lt. Cmdr. Dale W. Doss were shot down during a bombing mission over North Vietnam. Later, they became activists in the POW-MIA cause.

They were among the first to publicly speak out to try to get support of Americans to improve the plight of their husbands and all POWs.

They made many trips to see officials in Washington, but nationwide attention was drawn to them when they met with the Hanoi peace delegation in Paris last year.

They said they received cordial treatment from the North Vietnamese in Paris, but "We were talking with the enemy, you'll have to remember" Sue said.

"They didn't welcome us with open arms and show us real southern hospitality. They didn't throw any Virginia ham at us or anything like that. They did offer us some cigarettes that were made with Virginia tobacco.

"I guess that was their way of being cordial. They were polite in their own way, I guess. They always shook our hands."

Later when they went to Geneva to meet with representatives of the International Committee of Red Cross and the League of Red Cross Societies, Sue said, "Those people went out of their way to be nice. Of course, they were a humanitarian group."

STRUCK BY MISSILE

She said their worst treatment came in Geneva when they met with representatives of the World Council of Churches.

Sue said, "We expected them to be humanitarian too, but they were cold.

"They insulted our husbands, our president and our country."

Shuman, 38, was piloting his A6A Intruder jet into North Vietnam off the carrier *Enterprise* with Doss, 34, as his navigator about 2 a.m. Vietnamese time March 17, 1968. It was about 3 p.m. on March 16 in Virginia Beach.

According to reports, Shuman and Doss were some distance from their intended target when a ground-to-air missile hit the jet. The two Navy fliers ejected.

Shuman suffered a broken right shoulder and Doss appears from photographs to have been wounded in the right arm.

They were immediately taken captive by the North Vietnamese.

Because of the time difference word of the incident (minus verification that they had been taken captive) arrived locally about midnight March 16. It was withheld for the night but the bond of fear, uncertainty and hope was sealed between Sue and Martha at precisely 8 a.m. the following day.

Friends rang Sue's doorbell in Wolfsnare Plantation while Doss' commanding officer's wife and a chaplain stood at Martha's front door in Carolanne Farms.

Sue said, "I was asleep and the doorbell rang. My sixth sense told me what it was. My feet hit the floor and I ran to the door in my gown."

"There was a man standing (Capt. Kenneth Shugart and his wife) there in uniform with all his ribbons on (he was a friend of the family).

"My mother was staying with me and she and my daughter Dana were sleeping. I don't remember it, but mother said I told her, 'Get up mother, they've come to tell me Ned is dead.' I heard Dana say, 'Oh.'

"The officer had a little map and he tried to show me where they had last heard from Ned and it was a long way from his target.

Frankly they didn't give me any hope at all. They didn't think he had survived," Sue said.

NEIGHBORS TAKE OVER

From that moment hope has become the strongest word in her vocabulary. She thanked the officer and his wife for coming. "I really didn't start to break down until the next day when I saw his picture in the newspaper," she said.

Like many Navy wives, Sue had been fairly self-sufficient because of her husband's many tours away from home since they were married Dec. 23, 1956.

Martha Doss was different. In her first 10 years of marriage to Dale he'd never been away from home more than 13 days. She and her three children were home that Sunday when the door bell rang.

"I was asleep. It was Patrick's fifth birthday. I'd planned to bake a birthday cake for him that day.

"My daughter came upstairs and said, 'There's a man and woman to see you.' It was the skipper's wife and the chaplain, and I knew.

"Fortunately, I went into shock. All I can remember is them saying 'missing in action.' Then a doctor and another man and others came.

"The children (Bobbie, 9; Patrick; and Aaron, 4) were sitting there watching me.

"The neighbors came in and took the children. One of the neighbors, a man, took Patrick and baked him a birthday cake. My neighbors were good to me. They simply gave me orders and I reacted like a zombie.

"Later that day when word came that Dale was alive we sort of had a party and ate the food that had been brought in. It was like death itself had been lifted from us."

About 800 women in America have not learned anything except their husbands are missing in action in Vietnam. Some have been waiting as long as five years to hear the best news possible under the circumstances—that their husbands are prisoners. In the meantime they continue to live in the twilight zone of uncertainty.

Both Sue and Ned came from broken homes. Born in Hamlet, N.C., Sue Allen Shuman grew up in Asheboro. "I grew up in a peaceful town and with the exception of being from a split family, I lived the life of an average North Carolina girl.

"I was interested in music, and the arts, though I'm not an artist."

She attended the Women's College of the University of North Carolina for a year and then transferred to Wesleyan in Macon, Ga.

Later she went to work as a secretary in the Department of Psychiatry at Duke University Hospital for a year.

Ned, born in Boston, Mass., had graduated from the Naval Academy in Annapolis in 1959 and was a Navy Pilot in Atlantic City, N.J. They met in Asheboro, N.C. on Dec. 21, 1956, at a wedding.

Sue didn't come from a military family, but Ned's father is a retired Navy captain. She returned to Atlantic City with Ned and quickly learned to enjoy Navy social life.

RIGHT SHOULDER BROKEN

In mid-1967, they were transferred to Virginia Beach for about 2½ years. Ned was a test pilot and was then transferred to a flight test center at Patuxent, Md.

Ned was taking off on June 6, 1961, for a routine weapons system test in a F3H Demon fighter when the engine quit.

Shuman didn't have time to eject and rode it down, but he wasn't seriously injured. He called Sue from the hospital X-ray room to say he was alright. Apollo 13 astronaut Jim Lovell, also a test pilot with Ned at the time, met Sue at the hospital door.

In the ensuing years, before being reassigned to Virginia Beach in 1967, Sue and Ned were stationed in California and Florida.

She said it seemed like he was away more than he was home then. Three times he pulled 8-month cruises in three years.

"The longest he was ever home was six months one year and five another in the last seven years," Sue said.

Ned didn't or couldn't write a letter from March 17 until December 9. Sue received it April 1969. It contained the first word of his injury. He wrote, "Broken right shoulder. Coming along OK."

Sue said she has received six other letters and one postcard. The shoulder hasn't been mentioned again. Ned usually tells her his health is good, mentions the children, and other family members.

On Jan. 18, 1969, he urged her, "Pray that Paris talks will bear fruit and that 1969 will find us united." Sue said, "This year he said, 'Maybe this year (we'll be united)'. Next year, he'll say the next year. They are just living on hope in there."

WON'T ACCEPT LETTERS

Her children, Edwin Arthur IV, 11; Dana, 9; and James Brant, 7, are "typical Navy juniors," Sue said. They have adjusted well, but talk about "daddy" a lot.

"The family will support Ned in whatever he wants to do when he is freed. He wasn't enthusiastic about going over there, but it was his duty . . . He has always been the boss in this house and always will be."

She and Sue recently announced that since their husbands' letters to them were being channeled through the antiwar group known as The Committee of Liaison with Families of Servicemen Detained in North Vietnam, they wouldn't accept them.

TWO MARINES TOOK A RIDE TO NOWHERE

(By Don Hill)

On a pleasant June day, Bob Greer and Fred Schreckengost rented a couple of motor scooters and went for a joyride. It was a Sunday, and they were free of duties in the Marine motor pool where they were assigned.

The two young Americans went puttering down the highway, enjoying the sun and the freedom.

What happened next was not quite final but next to it.

From the bushes swarmed armed men. They pulled the two Marines from their motor scooters.

The party of Vietcong and its captives then disappeared into the Vietnamese countryside south of Da Nang, South Vietnam.

That was in 1964. Nothing sure has been heard since of those two men.

Greer's parents are an Air Force couple, stationed now in Germany. Schreckengost's parents live, as they always have, in East Palestine, Ohio. Neither man is married.

The Greers and the Schreckengosts are the founding members of a sad society, the next of kin of American prisoners of war and missing in action in Vietnam—people whose lives are in limbo.

Since that day, June 7, 1964, more than 1,450 men have disappeared in Vietnam. Only about 430 of them have been identified, with varying degrees of certainty, as prisoners of war (POW).

VIRGINIA 5TH ON LIST

The rest are carried on Army, Navy, Air Force, and Marine Corps records as MIA—missing in action. Their pay and allowances continue to mount up, their wives continue legally married, their property continues in their "control." And nobody knows whether they are living or dead except their captors.

Marine Lance Cpl. Fred T. Schreckengost was raised in East Palestine. His comrades in oblivion come from every state.

Wives and families living in limbo number more than 2,600. Ohio has 104, according to Defense Department records. California has more than any other state, 325. Utah has only 3.

Virginia, with its community of Navy wives in Virginia Beach and Norfolk, has 106. Only four states have more. North Carolina has 91.

The capture of Schreckengost and Greer came while the United States was officially only in South Vietnam in a "military adviser" role. It was a role that began in 1950 when the administration of President Harry Truman sent a 35-man Military Assistance Advisory Group to Indochina.

Hostilities against Americans were nothing new by 1964, however. In 1961, Army Spec. 4 James Davis of Livingston, Tenn., was killed by Vietcong. President Johnson called Davis later "the first American to fall in defense of our freedom in Vietnam."

Less than two months after the joyride turned to tragedy near DaNang, the U.S. role was changed by a cryptic incident off the Vietnamese coast. The U.S. destroyers Maddox and C. Turner Joy reported themselves attacked by North Vietnamese torpedo boats in the Gulf of Tonkin.

Doubt has since developed as to what happened in the Gulf of Tonkin, even as to whether any deliberate provocation occurred. But in the days that followed the incident, there seemed to be no doubt. The young Johnson administration reacted fiercely, Congress angrily.

President Johnson ordered retaliatory air raids over North Vietnam. In the second day of those raids, Navy Lt. Everett J. Alvarez of San Jose, Calif., then 26 years old and only six months married, was shot down and captured. He has been a POW since.

On Aug. 7, 1964, Congress approved the Gulf of Tonkin resolution, cited since as the legal justification for U.S. involvement in Vietnam. The resolution gave the President wide latitude in waging war.

By December 1964, the U.S. force in Vietnam was 23,000 men.

In February 1965, continuous American bombing raids over North Vietnam were begun in an effort to force Hanoi to negotiate.

With the expansion of the war, the number of Americans in the hands of the enemy swelled. For five years, the United States government was officially mute on the problem, even after word began to trickle home that cried out for protest. Silent also were the wives and families, warned by the services that public utterances might be used against the prisoners by their captors.

That there was a terrible problem from the beginning is certain.

Since 1929, the world family of nations has agreed to ameliorate the horrors of war through rules known as the Geneva Conventions. The "Convention Relative to the Treatment of Prisoners of War," modified in 1949, includes five basic tenets.

Under the convention, POWs are to be identified promptly as prisoners through official channels. They are to be allowed to communicate with their families. They are to receive humane treatment. Impartial inspections of POW camps by neutral bodies are to be allowed. The sick and wounded are to be exchanged.

NORTH VIETNAM IGNORES RULES

North Vietnam, which acceded to the convention in 1957, has refused to uphold any of these provisions.

Fred Schreckengost and Robert Greer were reported by South Vietnamese villagers to have been seen the day after their capture in the hands of Vietcong. The villagers told American officials that the Vietcong had said the two men would not be hurt, only held for a period of political indoctrination.

Sometime later, U.S. authorities received an unconfirmed report that the two Marines were imprisoned in North Vietnam. This report has since been dismissed by U.S. intelligence.

Tangee Alvarez, the wife of Navy pilot Alvarez, receives an occasional letter from her husband. He writes from somewhere in North Vietnam that he is all right, that he eats twice a day, vegetables and rice and soup mostly. She and the others who receive mail have been called in the press "the lucky ones" because at least they know their men are alive. Some wives find this irony hard to take.

But the mulish refusal of North Vietnam and the Vietcong to release an official list of prisoners, despite international pressures, has kept families like the Schreckengosts in a strange world of anguish and doubt for six years.

The Vietnamese and Vietcong POW camps have never been inspected by a neu-

tral agency, for what are no doubt obvious reasons.

Through U.S. intelligence, returned and escaped prisoners and other sources, some descriptions of the POW installations have leaked out.

LIVING CONDITIONS POOR

Lou Stockstill, a former editor of the Armed Forces Journal and now a free-lance writer, summed up the evidence in an article in the Air Force Digest last October.

One Vietcong jungle camp with fewer than a dozen prisoners, he wrote, provides three meals a day, rice supplemented by some meat, fish, or vegetables. Soap, toothpaste, and elemental medical care are provided. There are no activities. No mail from prisoners is allowed out. Over one 10-month period, one prisoner was allowed to receive mail.

The best, apparently, of the POW camps is a grim prison in Hanoi, dubbed the Hanoi Hilton. The prisoners get two meals of pumpkin, squash, pork fat, and bread or rice. Propaganda is the principal pastime. Most of the captives are kept isolated. Some letters in and out are permitted.

Of this camp, Stockstill wrote, "U.S. officials, with reasonable suspicion, regard the Hanoi Hilton as a propaganda showplace."

How widespread is brutalizing of the American prisoners is unproved. But that some viciously inhumane treatment has been permitted is known. Prisoners have been publicly humiliated and stoned. Nineteen are known to have been murdered or to have died of malnutrition or other lack of care.

Two Army men, Capt. David R. Devers and M.Sgt. John J. O'Neill, were captured and executed in 1966. Their families didn't learn of the murders until last December. Capt. Humbert R. Versace survived 32 months of captivity. Then he was executed in reprisal for the execution of a Vietcong terrorist. Sgt. I.C. Kenneth M. Roraback and Sgt. Harold G. Bennett were killed after 30 months of captivity in an announced act of reprisal.

The United States held the frustrations of its leaders and the anguish of the POW and MIA families behind the dam of silence throughout the Johnson administration. The dam was cemented by hope and anxiety— anxiety that the brutalities would be redoubled if protests were too loud, and hope that quiet diplomacy might alleviate the conditions or even free the prisoners.

American officials made numerous, still secret, overtures to the North Vietnamese for prisoner exchange, even if only of sick and wounded. Hanoi, maintaining its pretense that there were no North Vietnamese forces in South Vietnam, denied the existence of its own soldiers imprisoned there.

U.S. CHANGES COURSE

Nations supposed to be friendly to Hanoi were quietly encouraged to intercede on the ground that the question of humane treatment of POWs transcended political and military considerations.

But there was a stumbling block in those days.

World opinion was focused on U.S. bombings in North Vietnam. In March 1967, Sen. Robert F. Kennedy proposed that the United States halt the bombings as part of a three-point peace plan. In May, U.N. Secretary-General U Thant tried to arrange negotiations. Hanoi remained adamant: bomb halt first, talks maybe later.

The United States changed its policy of silence on POWs in the spring of 1969. But the change had roots in President Johnson's decision in March 1968 partially to halt bombardment of North Vietnam. That was followed in May by preliminary peace talks between America and North Vietnam. On Oct. 31, 1968, the President announced cessation of all bombardment of North Vietnam and plans for full peace talks.

The United States has contended all along

that the POW issue is separate from any other in the war.

President Nixon put it this way in a foreign policy report to Congress this year: "This is not a political or military issue, but a matter of basic humanity. There may be disagreement about other aspects of this conflict, but there can be no disagreement on humane treatment for prisoners of war."

But the question hasn't always seemed that simple to the world at large. State Department POW expert Frank Sieverts points that out. Sieverts was with Ambassador Averell Harriman at the opening of the Paris talks. He's now a special assistant to the undersecretary of state for POW affairs.

"During the air war in North Vietnam," he said recently, "it was simply unrealistic to build a public case on the prisoners. You'd be shouting into the wind."

Even the American Red Cross and like international organizations could get little attention for the POW issue until the bombings stopped.

Meanwhile, the armed forces gained considerable expertise in dealing with the families of MIA and POWs.

SYSTEM SOMETIMES SHAKY

When Fred Schreckengost was taken, his parents were awakened at 1:30 a.m. by a telephone call from a Marine officer in Columbus, Ohio. He said their son had been captured, but he had no other word.

Under present policies, late night and early morning calls are deferred. Families are notified in person by a casualty assistance officer.

Later, a CACO—a casualty assistance call officer—is assigned to each family. He is supposed to be available to help them and he is expected to call on them regularly.

(This system, apparently, doesn't always work. The Schreckengosts have never seen their CACO. He occasionally calls them on the telephone. Their first word from him in many months, Mrs. Schreckengost said, was when he called at the request of this reporter to arrange an interview.)

Each of the services has a Pentagon office with the full-time duty of attending to POW affairs and the needs of families. A prisoner of war policy committee has been organized in the Defense Department. Its chairman is Assistant Defense Secretary G. Warren Nutter, a University of Virginia professor before he went to Defense in the Nixon Administration. The State Department also has an office solely concerned with the POW issue.

When the Nixon Administration took office a complete review of American policy on the POW question was undertaken.

Secretary of State William P. Rogers, promptly upon taking office, appointed then Undersecretary Elliot L. Richardson to the task of coordinating over-all policy on the issue.

The Johnson mission to the Paris peace talks had been for a time hopeful that private negotiations with the North Vietnamese would bring improvement in the POW situation. That had fallen through. The Nixon emissary, Ambassador Henry Cabot Lodge, had no hope for the private route. He brought the POW question up openly in the plenary sessions of the peace talks.

At the Defense Department, Dr. Nutter's committee was directed by Defense Secretary Melvin Laird to restudy the issue and reassess policy.

One thing was clear at the beginning of the reviews: The Johnson administration policy on POWs hadn't worked. It hadn't moved the North Vietnamese to identify their prisoners, to improve the POW conditions, or to free the ill.

But changing U.S. policy wasn't an easy act. Dr. Nutter noted, "This was a weighty decision to make, because you can have arguments on both sides. The enemy might be tempted to retaliate if you make it an open issue. There was the question about whether

they'd bring the men to trial. They had threatened that. We weighed all these considerations very carefully.

PUEBLO MAKES A POINT

The committee also consulted with Korean War POWs, who reported that the treatment of prisoners in North Korea had improved dramatically when the American government began to speak out.

To "go open" was a considered decision. It was made, the administration insists, before any great domestic pressure developed from the POW families.

Defense Secretary Laird took the first big step. He called a press conference May 19, 1969, "to express . . . deep concern regarding treatment of U.S. servicemen listed as prisoners or missing in action in Southeast Asia."

At that press conference, the Defense Department issued a briefing paper, telling for the first time what the U.S. government had been able to learn about the POWs. It wasn't much.

The Laird statement and briefing had one major effect, however. It signaled the shift in government policy. It took the wraps off the issue.

Two other things happened to change attitudes on the POW problem.

All during 1968, the U.S. public had been stirred up over the crew members of the spy ship Pueblo, imprisoned by the North Koreans after their ship was seized in international waters. The wife of the Pueblo's captain, Mrs. Rose Bucher, had been far from the silent, cooperative service wife the POW wives were being. On Dec. 22, 1968, the Pueblo crewmen were released by the Koreans.

The release was arranged through careful diplomatic maneuvering and the solid, unemotional efforts of professional military and diplomatic officials. The State Department's Sieverts is convinced that Mrs. Bucher's protestations and activities of such groups as the Remember the Pueblo Committee were ineffectual.

But to some of the POW kin, there was a lesson in the Pueblo experience.

The other happening was more directly related to the main POW problem.

During 1968, six prisoners were released to U.S. pacifist groups. The releases were accompanied by propaganda fanfare. But not too much was learned from the prisoners, all short-timers.

In August 1969, however, Navy Lt. Robert F. Frishman, Seaman Douglas B. Hegdahl, and Air Force Capt. Wesley L. Rumble were released. Hegdahl had been in captivity 2 years and 4 months, Rumble 15 months, and Frishman 21 months. From them much was learned.

Rumble was severely ill, requiring immediate hospitalization. The other two men were ghostly pale, their skins loose on their bones, their eyes deeply inset. Hegdahl had lost 60 pounds while imprisoned. Frishman's arm, the elbow removed, hung limp and virtually useless at his side.

Later, Frishman proved to be an articulate spokesman for his former comrades in oblivion.

He told of his own abuse, of being tied with ropes in a hospital even with his bad arm, injured when his plane went down, and of receiving the most haphazard medical care. He told of long terms of solitary confinement. He told of being threatened before his release that if he embarrassed the North Vietnamese they would get even. Frishman said he was told "not to forget that they still have hundreds of my buddies."

"THE FORGOTTEN MEN"

But then Frishman added what proved to be a great release for the POW kin at home. He said his buddies had told him to tell the truth. One told him, Frishman said, that

even if it meant more torture, "at least he'll know why he's getting it and he will feel that it will be worth the sacrifice."

With that, the dam of silence was washed away.

Already, the National League of Families of American Prisoners in Southeast Asia had been formed. Wives and parents, individually and in groups, began to act. They traveled to Paris, Cambodia, and elsewhere to meet North Vietnamese officials and demand information.

Last September, Rep. William L. Dickinson, D-Ala., introduced a resolution in the House of Representatives and arranged a special order in the House for discussion of the POW problem.

More congressmen sought to speak during the special order than could be accommodated. The resolution passed both houses unanimously.

Dickinson set the tone in his own opening remarks:

"These are the forgotten men who responded to their nation's call in time of need and who now cry out to their government, Mr. Speaker, through their valiant wives and families for our help and consolation.

"Since 1964, when we committed combat troops to South Vietnam, until early this year, our forgotten men have not been talked about. . .

"I think it is time we talked about this grave situation, and I know we have hundreds of wives and families—many of them present in the House gallery today—who concur with me."

Also in September, the American Red Cross scored an extranational diplomatic coup. In the words of Samuel Krakow, director of ARC's office of international relations, "We internationalized the issue."

The ARC introduced a resolution in Istanbul at the 21st meeting of the International Red Cross Conference. It simply called upon all parties to abide by the obligations of the Geneva Conventions. It passed that international body by a vote of 114 to 0.

The Vietcong have claimed they are not bound by the convention, and Hanoi has contended that the Americans are "war criminals" not entitled to convention protections.

Both claims are clearly invalid under the convention, however.

Article 2 of the POW Convention states, in part: "The present convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them."

The American Red Cross has launched what a staff member calls its "annoy Hanoi" program. It has sent cablegrams and letters to 112 Red Cross societies and to four equivalent organizations. Through local chapters, it is urging that letters be sent to Hanoi and to influential foreign embassies. It participated in a campaign last winter summed up by the newspaper ad: "This Christmas write a card to an enemy."

Other individuals and organizations have become active also. Wives have turned up all over the world. Public interest in the United States has awakened, and it, in turn, has spurred new efforts in the administration.

POLICY TAKES EFFECT

And results are beginning to show. First, there's an outpouring of international opinion. Editorials supporting the U.S. position on this one question have appeared in influential newspapers around the world. In Stockholm, where anti-American sentiment is in fashion, the Svenska Dagbladet wrote: "What would be more humanitarian than for North Vietnam to meet the wishes for some basic information about human

lives? It is difficult to see what Hanoi would have to lose from such a gesture."

Then there's the reaction of North Vietnamese diplomats. At the Paris peace talks, the verbal forays of U.S. Ambassador Philip C. Habib always draw a self-righteous, canned rejoinder. But not when he harps on the POW issue. The North Vietnam delegates barely respond.

Also, U.S. intelligence reports that North Vietnamese diplomats around the world are responding defensively when asked by supposedly friendly foreigners about the POW question.

Finally, there's been the official behavior of Hanoi. As the ARC's Krakow notes, "Of all the mail from American prisoners in Southeast Asia in the last five years, more than 75 percent has arrived in the last few months."

With the letters is also coming a trickle of information about prisoners.

North Vietnam has represented these relaxations in its policies as being the result of intervention by U.S. peace groups. All such relaxation has been accompanied with maximum propaganda fanfare which has attempted to build prestige for the American antiwar movement.

The U.S. dissident groups have organized the Committee of Liaison with Families of Servicemen Detained in North Vietnam. In an "information sheet" published last January, this committee noted the prisoner releases of February and July 1968 and July 1969. Cochairmen of the committee are Dave Dellinger and Mrs. Cora Weiss.

In a letter sent to many POW wives in January, the committee wrote, "The Democratic Republic of Vietnam has decided to use our committee as a channel for communications" between POWs and their kin.

PEACE GROUPS OPERATE

The committee, in its "information sheet", claimed that "the U.S. government has frequently made it more difficult for the Vietnamese to be open to the concerns of American families by using the families' genuine desires as a propaganda ploy. The government has further attempted to provoke an angry response from the Vietnamese by publicizing unsubstantiated and inflammatory testimony from flyers already released. Apparently, the government has decided to jeopardize existing communications and the possibility of future releases for the sake of propaganda aimed at prolonging the war."

That 114 Red Cross agencies around the world have found North Vietnam wrong on this issue apparently has left these Americans unimpressed.

Actually, the U.S. policy toward the peace groups is to leave them unimpeded for the sake of what information they do channel to POW families.

Rep. Bob Wilson, R-Calif., has asked the Justice Department to require the committee to register as a foreign agent under the Foreign Agents Registration Act of 1938. The law's application in this case is uncertain, however. It requires the existence of a contract between the foreign nation and its U.S. agent. The committee has been careful to disclaim any agency role. It said in the information sheet, "The peace movement is responding to a request by the Vietnamese to meet a specific, immediate need and is not in any sense representing the government of North Vietnam."

Meanwhile, the anguish and the activities go on.

And in East Palestine, Ohio, the elder Schreckengosts talking to a reporter—the first who ever called them—cry out:

"We do hope and pray some word comes out for the majority. Even if it ain't ours, maybe somebody else will hear. Maybe that's life."

DAVE EVANS, ENTERPRISING
UTAHAN

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. BURTON of Utah. Mr. Speaker, there is much to be said about our system of free enterprise and the opportunities it affords us no matter what our age or station in life. A perfect example of this is my good friend and diligent entrepreneur, David W. Evans. Mr. Evans, founder and chairman of the board of the Evans network of advertising agencies, was recently featured in 200 newspapers around the United States by columnist Joyce Lain, who was greatly impressed by "the chairman's" enthusiasm for life and work at age 76. I submit the reprint of her article for the RECORD: DAVE EVANS FEATURED IN SYNDICATED COLUMN

DEAR JOYCE: My husband, at 47 is talking about starting his own business after years of being an employee. I'm afraid he's too old to start over and I worry about risking our present security. What do you think?—P.B., Memphis

In my observation, there are two kinds of seniors who succeed on the second try—those who are smart enough to know that they are not too old, and those who are too dumb to know that they are.

Bankruptcy court records are filled with flops whose birthdays range from 21 to secrecy. Age isn't so much the deciding factor as ability, and, of course, various business considerations. To illustrate, I'm going to tell you about a remarkable man I met during a recent visit to Utah. I was, and I think you, too, will be inspired by his story.

David Evans has just turned 76. At the age of 49, he decided to count talents—not years—and opened his own firm. Today, David W. Evans & Associates, an advertising, marketing and public relations firm based in Salt Lake City, has eight regional offices from California to Pennsylvania and an annual billing of nearly \$20 million. Why was he motivated to start from scratch in a highly competitive field?

Because, after working 25 years for others, Dave Evans was dissatisfied. He thought he was a failure. He had a business philosophy he believed would work better, but he needed to become the boss to find out.

The philosophy on which he gambled everything is: "Always do more for my clients than I am paid to do." The gamble paid off, leading repeatedly to increased business. His concept of "total involvement service" has made him virtually indispensable to his clients, many of whom have recommended him to other advertisers.

Inside the shop, Evans decided from the outset that he should share his profits with his fellow workers. He brought them into full partnership and now the company is partially owned by several dozen employees. Another factor counting heavily in his success is his mastery in human relations.

A copywriter with the firm, explains: "Mr. Evans never tried to 'big man' it with his employees. He always rolled up his sleeves and did more than his share of the work. He thinks fairness and consideration of the other guy's viewpoint the dues he pays to the 'satisfied employee club,' and he likes to be a member in good standing."

Although Dave Evans has recently turned the job of chief executive officer over to a younger man, he's still in there slugging.

His mornings start at 5:30 and he rarely leaves his office until after 6 in the evening. He pecks away at his vintage typewriter, brings new clients into the firm, counsels staff members and teaches several courses in advertising—one at a university 45 miles away "just for the fun of it." After work he swings on a continual round of church and civic activities.

Maturity has not diminished Evans' wit one whit. On his 76th birthday, he was asked to what he attributed his youthful faith, hope, energy and enthusiasm. Evans' brown eyes lit the good humor beneath his gray locks as he replied, "It's the spirit of '76!"

THE IMPOSSIBLE DREAM

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. HALL. Mr. Speaker, a friend and constituent, Mrs. Susanne C. Wheat, of Springfield, Mo., has written an excellent essay entitled, "The Impossible Dream." Her perceptive writing brings forth the idea that the free world must unite if it is to survive in its struggle against international communism and that the United States can no longer carry the burden of this struggle by itself. I sincerely commend this essay to my colleagues.

The article follows:

THE IMPOSSIBLE DREAM

The United States is not only engaged in what has been a long, tedious and costly war in Vietnam, but our nation is in the throes of internal dissension. The Communists have said that what they can't accomplish by infiltration they try to achieve by war. Several years ago they announced that their goal for dominating the world was nineteen hundred and seventy.

While they certainly haven't made that, they have succeeded in taking a toll of our young men as either casualties, among the wounded or prisoners of war. And they have waged a war which has caused severe frustration to us. They have principally fought an elusive battle, where they can at times disappear into the jungles.

The U.S. has had restraints placed upon us. If we dared a full scale war, Russia might send troops, whereas now she is only lending material aid to the Viet Cong. Also Red China issued an ominous warning that she would send over her massive armies. They have us behind the proverbial eight ball and so the war has dragged on for what seems like an interminably long time.

The Communists thrive on trouble areas in the free world. Of course, they are delighted that the United States, the great fortress of capitalism in the free world, is torn by racial strife, protests over the war in Vietnam and Cambodia, a perilous economy and excessive cut-backs which have resulted in unemployment.

Since the Communists are in control in many areas of the world, it seemed essential that they be stopped in South Vietnam. We couldn't tolerate all of southeast Asia falling prey to Communism, which might have eventually followed. It seemed imperative that the U.S. defend South Vietnam or that someone did. Yet it is also evident that we can't fight Communism alone. In Korea, the United Nations troops assisted us in defending South Korea, but the U.S. assumed the principal role.

When we didn't send military forces to help the invasion made by the Cuban exiles nor lend air support to them at the Bay of Pigs, none of the other free countries did either. However, we can't be the one to always battle world communism.

The U.S. can't be the one to take the responsibility for always assuming the lion's share in battling world communism. And so since none of the free nations took their turn in aiding the Cuban exiles, the Castro regime is firmly entrenched just ninety miles from Miami. And our planes are continually being hijacked to Cuba.

Now the United States is the only power fighting militarily in Vietnam. The other four countries who have fighting men there are small, minor nations, Australia, New Zealand, the Philippines and South Korea. Our country, what's more, belongs to numerous treaties, with the provision that we will aid member nations who are the victim of an armed attack. In many of these treaties, we are the only power, only joined by the smaller, minor countries.

In Vietnam, while other major countries are helping in indirect ways, they are not assisting us with troops. England, France, Israel, West Germany, Italy, Canada, Iran, the Republic of China, South Korea and Japan are all aiding the war effort, but none of them have sent combat forces.

Likewise Ireland, Greece, Pakistan and Turkey have assisted with their Red Cross organizations, but they haven't sent fighting men. Neither has Thailand nor Malaysia; only advisory military personnel. And it is obvious that we cannot fight Communist aggressors alone or comparatively so militarily. The Communists are counting on disunity and the lack of action on the part of the free world, also division in our own country. Then it is far easier for them to make their advances.

If we had received assistance from other free powers with combat forces, it is very probable that North Vietnam would be repelled by now. And maybe our nation would be enjoying peace once more, joined in unification instead of this agonizing division and rebelliousness about the war still going on and branching into Cambodia.

Our salvation depends upon the free world pulling together and making its valuable contribution towards maintaining freedom in the world. "Ask not for whom the bell tolls; it tolls for thee". Yes, Communist aggression is a concern for the entire free world. It must act together in order to even hold its own.

When our people are upset over an external war, it is a good opportunity for Communist infiltrators to sow the seeds of more discontent, which will eventually erupt into more chaos internally. The other free nations can't pass the buck to the United States forever and make a habit of it. They must do what they can towards preserving what is left of the free world. The United States has done much more than its share. In the future other free nations must come to the fore.

With the Communists so determined to take over the world, it seems like an impossible dream that a reversal might come to pass. Could there be a switch in the trend which they have outlined and one day might freedom replace the totalitarianism which so many people abhor! There's the great challenge, the challenge to beat the Communists at their own game.

If the free world remains strong, maybe one day it will be an incentive for the people in the Communist countries to revolt against their leaders. The people in Russia especially despise their Godless slavery, their deprivation of churches or any manifestation of their religion. So one day maybe the people who have had Communism imposed upon

them by their leaders will be able to overthrow their government.

Dostoevski, a noted Russian authority, made this startling prediction. "There will eventually be an upheaval; there's going to be an upset such as the world has never seen before. Communism, with its mechanical forms, doesn't contain the socialism of the Russian people. The Russian people believe that the final salvation and the all-illuminating unity is in Christ and the Lord and in Them alone. The Russian people bear the image of Christ and love Him alone."

When the free world is striving for survival, it seems very distant and remote that these subjugated peoples might be able to topple their Communist leaders. It seems like an almost impossible dream that instead of Communism creeping over the earth, more of our world will become free, with the privilege of working for the worshipping God and Jesus.

Yet to the Christian, not just any dream will suffice. It must be God's dream and surely this is the Lord's dream for the world. The Lord created the world and He didn't intend for any man to deny other men the prerogative of worshipping Him. So, no matter how distant it seems, let's keep our sights on this dream and work for the cause of freedom in our daily lives.

The Communists are counting on the half hearted participation of the free world to produce an ineffective consolidation against the atheistic slavery of Communism, which threatens to encompass and envelop the earth one day. The Communists really work on spreading their ideology and it's an international tie-up. So it behooves the free world to counteract this by joining together and working even harder.

If the free world really unites, marvelous things could be done. And, hopefully, although we might not live to witness it, freedom will replace a Communist government. It would be wonderful if the people of East Germany could overthrow their tyranny and replace it with a free way of life. So many families have gone through grief because of the separation of their families due to the Berlin Wall, dividing the east from the west.

Radio Free Europe is doing a splendid job of keeping the peoples of eastern Europe informed about the free world and in keeping the spark of freedom alive. If the free world joins solidly together, we can be an inspiration to these people to stage a revolution to gain their freedom. Yet we will never be an incentive if the free world is disjointed and diffident. Instead of dreaming the great dream, a world to be won for Christ, we are more like a milling crowd of dissidents than a fellowship of believers. The people in the free world seem to be consumed with dullness and discord.

After an appearance in New York City, Ole Bull, the great violinist, was invited to spend the week-end in the city with friends. On Sunday morning they invited him to attend church with them. He responded: "I will go on one condition. I will go if you will take me to hear someone who will tempt me to do the impossible".

Are we dreaming God's dreams, the kind Jesus was dreaming when He prayed "Thy kingdom come" as He looked out over the world from Calvary's Cross?

It can all be summed up in the famous ballad of the "Quest" which an old knight sings in the musical play, "Man of La Mancha". This is the message of the song.

"A man needs to dream the impossible dream,
To fight the unbeatable foe . . .

To run where the brave dare not go

To right the unrightable wrong

To try when your arms are too weary

To reach the unreachable star.

This is my quest, to follow that star,

No matter how hopeless, no matter how far,
To fight for the right without question or
pause,
To be willing to march into hell for a heav-
enly cause!
And the world will be better for this,
That one man, scorned and covered with
scars,
Still strove, with his last ounce of courage,
To reach the unreachable star".

To reach the unreachable star! This should
be a project for the entire free world.

AD HOC CONGRESSIONAL HEAR-
INGS ON DISCRIMINATION IN
FEDERAL EMPLOYMENT AND
FEDERAL CONTRACTOR EMPLOY-
MENT—II

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. RYAN. Mr. Speaker, following is an additional portion of the Report of the Ad Hoc Congressional Hearings on Discrimination in Federal Employment and Federal Contractor Employment. These hearings were held under the sponsorship of an Ad Hoc Congressional Committee, composed of Mr. CONYERS, Mr. DIGGS, Mr. DOW, Mr. HAWKINS, Mr. HELSTOSKI, Mr. NIX, and myself.

This portion of the report presents the testimony of the witnesses who appeared before the committee to testify on discrimination in the Federal civil service. The first portion of the report, which appears in the CONGRESSIONAL RECORD of September 15 at pages 31900-31904, consisted of the foreword, the introduction, and the recommendations of the ad hoc congressional committee concerning discrimination in Federal employment.

The witnesses who appeared before the ad hoc congressional committee to testify on discrimination in the Federal civil service were: Mr. Julius W. Hobson, Mr. Domingo Nick Reyas, Mr. Michael Ambrose, Mr. Henry Bayne, Mr. Charles Johnson, Mr. Louis Zawatsky, Mr. Paul L. Everett, Mrs. Amy Scupi, Mr. Herbert Roche, Mr. William Williams, Mrs. Mary Cherry, Mr. Snyder Garland, Mr. Jesse Gooding, Mr. Charles I. Cassell, Mr. Thomas Jackson, and Father Henry Casso.

IV. TESTIMONY OF JULIUS W. HOBSON

Mr. Hobson is an employee, Social Security Administration; former member, Washington, D.C. School Board; plaintiff in Hobson against Hansen, in which Federal Judge J. Skelly Wright ordered the District of Columbia school board to abolish the "track system" in District of Columbia public schools.

Mr. Hobson's testimony concentrated on job discrimination in the Federal civil service. He noted the minimal number of black employees at the higher salary levels and in policymaking positions. He pointed out the disparity between the percentage of total employees which blacks constitute, and the per-

centage of total income which they receive: while blacks made up 10.5 percent of all Federal employees, they only received 8.6 percent of total wages. This disparity is even greater in the case of women, Mr. Hobson pointed out.

Mr. Hobson drew special attention to statistics derived from the Library of Congress which, while no worse than other agencies, does have very complete figures enabling the typical pattern of discrimination to be very clearly seen. These statistics showed that the oft-cited justification for such patterns—for example, lack of educational qualifications—is specious. Education proved to be generally equal when comparing whites and blacks, yet advancement was much slower for the latter. Furthermore, more than 100 white employees in GS-10 to GS-17 positions at the Library of Congress did not have college degrees.

Mr. Hobson also noted the nonutility of the present civil service grievance procedures and the difficulty of obtaining needed data from the agencies—data which would show the degree and form of discrimination occurring.

Mr. Hobson also made several suggestions: the responsibility for equal employment opportunity programs should be placed in an independent agency; blacks should be brought into the expanding areas of employment, such as computer technology; and the government should engage in compensatory action to redress past wrongs and to avert present and future ones.

His testimony follows:

TESTIMONY

Mr. HOBSON. (Mr. Hobson presented a fact sheet on job discrimination, based on report issued by the United States Civil Service Commission, entitled "Study of Minority Group Employment in the Federal Government, 1966 and 1967".)

In the Federal Civil Service, as of January 1966, black people comprised about 9.7 per cent of the classified employees, but only 1.6 per cent of those above GS-11. . . . (By November, 1967, black people comprised 10.5 per cent of the classified employees, but still less than 2 per cent (1.8 per cent) of those above GS-11.

In Federal agency after agency, there have been similar defaults of responsibility to ensure equal employment opportunity. This is particularly emphasized by the absence of black employees at policy-making levels. No matter how effective guarantees of equal opportunity may be on paper, they have been nullified in the hiring and promotion practices, and by the people. It is inexcusable that by a government that purports to be of, that any job created in part by tax dollars paid by minorities should remain closed to minorities.

As the model employer and keeper of the keys as to what defines "merit," the Civil Service Commission cannot allow the qualification of being white to dominate, in practice, the fundamental structure upon which the employment system is built, through the encouragement of highly verbal and irrelevant examinations, prohibitive qualification standards, selective and arbitrary training programs, discriminatory promotion practices, and a slipshod, intimidating grievance procedure. If this country is to survive with equal justice for all, then we must insist upon the first and foremost example of such justice in federal employment.

Of the total positions in the United States government in 1967, black employees were 10.5 percent of total employment. . . . If you break this down by grade, . . . you will see that in Grades 1 to 6, 18 percent of the black employees in the federal government fell in that category. . . .

Grades 7 to 12, 4.9 per cent of the black employees were in this category, and 95.1 per cent were white. When you get to 13 and above, the black employees almost disappear and go down to 1.5 per cent. So . . . as the grades go up, the per cent of black employees in the grades goes down. . . .

This 10.5 per cent of the black employees in the federal government in 1967 were receiving only 8.6 per cent of the money. So for the year 1967, black employees lost \$186,846,670 due to the fact that they were not receiving the same per cent of the money as they are (a percentage) . . . of the employment. . . .

I have also been concerned about another group of employees in the federal government, . . . and that is women. Women are just as bad off in federal employment, if not worse off, than black employees as a class. . . . (W)omen made up 42.4 percent of employment in 1966 and they received only 30.8 percent of the money. . . .

The grievance machinery which is available to black employees in the federal government is intimidating, it is useless, it has never worked and it is not working now. I think that there needs to be a basic restructuring of the whole process of grievances.

Mr. RYAN. . . . There have been submitted over a period of time complaints of job discrimination by yourself to the federal Civil Service, and there have also been, I take it, complaints raised through the appeals mechanism in the federal Civil Service. How many cases do you know of in which there has been a finding of racial discrimination?

Mr. HOBSON. Well, I have, over a period of years, Mr. Chairman, represented federal employees as well as myself in job discrimination. I can recall, with some fifty cases since 1959, (findings of) discrimination in only two cases that I was involved in. I have seen the statistics on the Civil Service findings, and I think they find something less than 4 percent of the cases have any discrimination at all. . . .

Mr. RYAN. Have you any suggestions . . . steps which could be taken to bring about an immediate expansion of employment opportunities for black employees in the federal Civil Service as a whole?

Mr. HOBSON. Yes. I think that one of the things that should be done is that the whole question of job discrimination, the whole question of equal employment opportunity for black people should be taken out of the Civil Service Commission and put under some independent agency. . . . I think the present machinery is so designed, and the people who run it are part of management, or at least they have the mentality of management, and it is usually the agency against the employees.

I think also that in the new jobs where computer technology is being used . . . black people are being dangerously left out of these beginning jobs. . . . The old-line agencies like the Social Security Administration and some of the agencies like the Public Health Service are not very expansive. You can get in there and remain in grade for many years. But if you can get into these new programs that black people are being left out of entirely, and particularly in the area of computer technology, then you have a chance for advancement. . . . I think that this is an area that needs to be examined and something done about it im-

mediately. Otherwise, black employees are going to find themselves down in the ranks of this particular category of federal jobs, also.

Mr. RYAN. You were able to obtain data, although it was 1963 data, on the Library of Congress. Did you make an effort to obtain data from other agencies of a similar nature?

Mr. HOBSON. Yes. I have asked EEO offices, I have asked the Civil Service Commission and various agencies, for data similar to that that I got from the Library of Congress—average number of years in grade, educational qualifications of black employees versus white employees. They have all said that "we can't give you that kind of data because it is not available." . . . But the Library of Congress proves, by getting out this data, (that) it can be done.

Mr. RYAN. There have been jobs open for Negroes at higher levels. Have you made any study of those jobs as to . . . (their) nature . . . ?

Mr. HOBSON. Well, I find that . . . , to my chagrin, most of the jobs are related to the civil rights field or are related to a field which is related to race, and I find this to be quite a problem in advancement in the federal government. I am opposed to what I call "professional Negroes," people whose profession is being black . . . I am interested in seeing black people in policy-making positions. I am a technician myself, busy with the collection, evaluation, analysis and presentation of data. It is in that area that you find a lot of federal jobs, and this is where I would like to go up on my merits, not on the basis of the fact that I am of African origin. . . .

I would suggest that what we need to do for the morale of black employees is to go in and do something about the utilization of black manpower which now exists inside of every federal agency and have a crash promotion program. People say that we don't want to have reverse job discrimination. Well, I don't care whether they call it reverse job discrimination or not, this is a set of conditions which were created, they were designed, they were not put here by an invisible hand or Jesus Christ. They were man-made, and I think that men are going to have to deal with them. I think the federal government is going to have to engage in compensatory action to deal with the question of federal job discrimination and denial of opportunity to black employees which has been going on since the inception of the government of the United States.

MR. DOMINGO NICK REYAS

Mr. Reyas appeared on behalf of the Mexican-American Anti-Defamation Committee, Washington, D.C.

Mr. Reyas' testimony was directed at the problems of the Spanish-speaking population, particularly Mexican-Americans. The patterns of discrimination to which other witnesses testified, chiefly in regard to blacks are also revealed in terms of Mexican-Americans and Puerto Ricans. These groups have the particular problem of language difficulties, which not only help to engender discrimination against them, but also operate to inhibit their understanding of, and utilization of, the grievance procedures.

Mr. Reyas' recommendations included simplification of the grievance procedure and development of recruitment practices specifically aimed at Spanish-speaking citizens through utilization of Spanish-speaking newspapers and radio stations, and through the assistance of local communities and community groups.

The testimony follows:

TESTIMONY

Mr. REYAS. La discriminación del el pueblo habla española en general, y Latino-Americano en particular, en la cuestión de empleo federal es un problema que sigue creciendo por falta de un gobierno que no es responsivo, que no sabe como comunicar con sus ciudadanos. Nosotros los Latino-Americanos queremos servir en el ejército tanto como en el mundo de trabajo federal.

Mr. Congressman, my remarks in Spanish were meant to dramatically indicate to you (one of) the many hang-ups . . . that exists in many parts of this country, especially when communicating, recruiting or just informing Mexican-American citizens in this country of their rights to Federal employment, and of their rights in cases of discrimination in the Federal establishment, specifically, the complaint in grievance procedure available to all its citizens.

I would most greatly request your permission to read some materials that have just been recently published by the U.S. Commission on Civil Rights on the Mexican American . . . with respect to employment in the Federal establishment. (This report is entitled "The Mexican-American.")

"As a group Mexican Americans have been unable to move into the mainstream of American economic life. Taking the Southwest as a whole, their unemployment rate is about double that of Anglos. As is so often the case, overall statistics tell less than the whole story.

"Furthermore, regional figures hide the severity of the situation as it exists in many barrios where Mexican Americans are concentrated.

"This condition holds for public employment, Federal, State, county, and city, as well as private. In 1960, for example, 79 percent of all Mexican American workers labored in unskilled and semiskilled jobs. This statistic makes it evident that Mexican-Americans have difficulty getting promotion once they are employed, probably due in part to the general low level of education and skills and probably in part to discrimination.

"The single largest and best paying employer in the Southwest is the United States Government. As of mid-1966, having made dramatic increases in a short time, it employed Mexican Americans in almost direct proportion to their percentage of the total labor force, about 10 percent, taking the Southwest as a whole.

"Again, however, overall statistics do not represent a complete picture. For in California, which has the largest concentration of Mexican-Americans of all the Southwestern states, Mexican-American federal employees were only 4.9 percent, and in Los Angeles County, which has the largest concentration of Mexican-Americans in the country, there were only 4 percent.

"In that county, the Post Office employs 43 percent of all Federal employees, but only 4.1 percent of those employees are Mexican-American.

"Resentment against Post Office hiring and promotional policies runs high among Mexican-Americans in California, both because the Post Office is such a large employer and because it has made special efforts to help another minority. In fact, last year in San Francisco a Mexican-American testified before the California State Advisory Committee to this Commission: 'After the Negro uprising 700 positions were created to pacify and alleviate the problem of unemployment in the Negro community. The Civil Service exams were waived in the mentioned case. Yet when the Mexican-American organizations requested that the same be done for the Mexican-American, the Administration refused to acknowledge that the Mexican-American community was faced with the same problem in employment.'

"Will we have to burn some buildings to obtain justice from our government?"

"As is true in the private sector of the economy, Mexican-Americans in Federal service are clustered in the lowest paying scales. In the postal service, 91 percent are in the lowest paid position, grades 1 through 4. Overall, 70 percent are at entry level.

"Discrimination against Mexican-Americans is often difficult to prove, because employers may cite lack of skill or facility in the English language as grounds for refusing employment or promotion, and it is unquestionably true that much of the Mexican-American employment situation in general must be laid to the low educational level and lack of occupational skills on the part of many members of the community.

"Nonetheless, the Anglo and Mexican-American observers are convinced that overt discrimination is widespread.

"In 1967, the Director of the Los Angeles Office of (the) Equal Employment Opportunity Commission testified before the State Advisory Committee of the Commission on Civil Riots that: 'Our experience has been and certainly is still that there is much too much discrimination against Mexican-Americans.'

"He went on to say: 'I am reminded of an employer in Arizona who said to us, "Yes, we discriminate against Mexican Americans. We always have. We have never permitted Mexican Americans to get higher than a certain level in this company."'

"Charges of discrimination, particularly in promotion, have been brought by Mexican-American organizations against Federal installations as well as private companies, many of which hold government contracts which prohibit discrimination. The Kelly Air Force Base in San Antonio has been a frequent target. So have other military installations. Charges of differential pay in treatment have been made against the Kingsville Naval Air Station. It was alleged that Mexican-American Navy Exchange employees are paid 80 cents an hour and Anglos \$1.25, and that the Navy has contracts with a cleaner who hires Spanish speaking employees at 50 cents an hour.

"A Mexican-American supervisor charged he was ordered to sweep and clean his area while no Anglos of the same or even lower rank had ever been asked to perform such duties.

"Mexican-Americans complain that although they must be paid good wages, though often they are not, they cannot rise into higher positions. . . .

"Many observers believe that private firms and the civil service itself often establish totally irrelevant requirements which have the effect intended or not of screening out Mexican-American applicants.

"Tests of various kinds often present unnecessary obstacles to employment. It is acknowledged that tests seldom accurately measure the ability of different language or cultural groups, and in some cases it is difficult to see what relationship a given test has to a given job.

"In 1967 the San Francisco Chronicle reported that several of the best gardeners in the city's Recreations and Parks Department had lost their jobs because, having been hired on a temporary basis until they could meet civil service requirements, they could not pass a written test which a reporter described as a 'watered-down version of a college entrance exam.'

"It included such questions as 'He treated me as though I (blank) a stranger.'

"The dismissed gardeners were described by a superior as 'men who can spot plant disease and know just what to do. But put it down in writing, never.'

Mr. RYAN. The figures which you cited on employment in the Southwest United States remind me somewhat of the figures which I

cited . . . (in the introduction) on the employment of Spanish-speaking people in New York. In the postal field service I said, "In June of this year there were only two Spanish-speaking employees at level 11 or higher. One was a level 11 and one at level 13." So that the experience which has been observed in the south western part of the United States may be duplicated in areas like New York City or other cities where there is a heavy concentration of Spanish-speaking citizens, whether they are of Puerto Rican descent or Mexican descent.

Mr. REYAS. I think you are right, Congressman. I think for the most part (that) . . . what happens to our Puerto Rican brothers has been happening (in the Southwest) for some time, particularly in the states of Texas, . . . Arizona, New Mexico, and California.

Certainly it is a communications problem. I think quite frequently there has been . . . a cultural exclusion or isolation of the Mexican-American community—those citizens who are very well represented in the Federal establishment in terms of being in the service, but (who) lack an opportunity at a job in the Federal establishment without regard to race, color, creed or national origin.

Mr. RYAN. In utilizing the grievance procedure of the Federal Government, is any effort made to overcome the language difficulty? Are there publications printed in Spanish for the benefit of Spanish-speaking employees?

Mr. REYAS. I think there is a start in that direction, sir. I know that the Equal Employment Opportunity Commission has several pamphlets that have now been translated into Spanish, which are making their . . . way down to the grass roots, where they really need it. But the grievance procedure is something that eludes many of us, regardless of race, color or creed, and I think particularly eludes the Spanish-speaking, because of the question of translation and the whole philosophy of knowing how to proceed with a complaint . . .

It seems to me that one of the things that the Federal establishment could do would be to find some method in which those grievance procedures . . . could be documented and put together, and then processed in that way.

Mr. RYAN. Have you any other recommendations as to steps which could be taken to improve the grievance procedure or to make it possible for complaints to be processed more expeditiously?

Mr. REYAS. Yes, sir. In the area of recruiting, I think there ought to be a way in which the Mexican-American and the Spanish-speaking . . . could know, for example, that there are openings (for jobs), with certain kinds of skills which they have. . . . This kind of information should be disseminated by the Spanish-speaking stations in this country, the Spanish-language newspapers.

Quite often the recruiters themselves . . . indicate their desire to hire minority members, but they just don't know how to do it. It seems to me that there ought to be a way to get the communities in the Southwest, in various other metropolitan areas, to come to the aid of the Civil Service Commission recruiters; and that recruiting (ought to) be done by people who live in the various areas, speaking whatever language they may speak. The same way with the organizations that represent certain interests. I think they ought to be let in on when the recruiting is taking place, when it is coming to particular schools, et cetera, and informed so they will go out and help the government . . . (in) recruiting for Federal jobs.

MR. MICHAEL AMBROSE

Mr. Ambrose was employed by the Civil Service Commission from November of 1967 until October 1, 1968, as a personnel management specialist in the

office of the Project Manager for Equal Employment Opportunity. In this position, he was, in effect, although not by formal description, the No. 2 man in the administration of the Equal Employment Opportunity program throughout the Federal service.

Mr. Ambrose's testimony extensively reviewed the Federal equal employment opportunity program. In analyzing the conduct of the Civil Service Commission, he noted several problems:

Lack of forceful administration;
Failure to take any special measures to meet the special problem of discrimination;

Failure to establish "clear, apprehendable" goals against which agencies can measure their performance; and

Failure to establish rewards for an agency which, or for a manager who, demonstrates commendatory accomplishment.

In discussing the complaint procedure, Mr. Ambrose similarly identified specific problems:

The complainant, by virtue of registering a complaint, labels himself as a troublemaker and forecloses his possibility for future advancement;

The agency investigates itself;
Findings of discrimination are very rare;

The employee is forced to undertake the burden of standing up against the agency, which becomes, in effect, his adversary;

The system is premised on one individual accusing another, whereas the real culprit is the unarticulated, yet existent, pattern of discrimination.

Mr. Ambrose also discussed hiring and promotion. Here, he identified the following flaws:

Failure to set goals or targets;
The Commission sets up numerous obstacles—culturally biased tests and, misplaced qualification standards;
Occasional bigoted recruiters; and
Poorly trained recruiters.

In summary, Mr. Ambrose made several recommendations:

A system of reparations;
Retroactive promotions; and
Responsibility for the equal employment opportunity program should be taken from the Civil Service Commission and placed in a separate agency—either a new agency, or the Equal Employment Opportunity Council, or the Civil Rights Commission.

TESTIMONY

Mr. AMBROSE. The first observation I would like to make is that the "Equal Employment Opportunity Program" is really a very apt term. We are still talking about equal opportunity, and not about equality in fact, and I think that is about the way the Civil Service Commission and most of the agencies administer the program. Their concern is for form and for appearance much more than for results, and that theme I think will be repeated as I describe some of the problems I have seen in the equal employment program.

I will just concentrate on program matters, because the existence of discrimination, the fact that discrimination exists in the Federal service, (is) . . . amply demonstrated by . . . (other) witnesses here . . . and by the government's own published statistics—the minority group statistics. . . .

My thesis is that we must make the non-violent, the procedural, the legalistic methods work, because we know very clearly what the alternatives are. The difficulty is that we expect a lot, it seems to me, of minority group employees in the Federal service, to demand that after suffering indignity and injustice all their lives—an indignity and injustice which continues even into their Federal employment, into their work life on the job—they still are forced to seek redress in a system that they have no historical or existential reason to have any confidence in, and that is the complaint system that has been criticized pretty severely here this morning. . . .

But about the overall administration of the program, my view is that it is not forcefully administered. Equal employment is not a high priority program in the Civil Service Commission; (it is) not to my knowledge a high priority program in any Federal agency, with the possible exception of such pockets of social consciousness as the Community Relations Service in the Justice Department, or the Commission on Civil Rights. And even there, the administrative regulations of the Civil Service Commission interfere with a truly effective equal employment program. . . .

Some of the fundamental problems in the system are, first, that the federal personnel system was developed, and its tenets established, in an era of conscious overt racial discrimination in this country. That discrimination was reflected in overt discrimination in federal employment, as it was in all other kinds of employment.

We still have with us today a system that grew up in that period, a personnel system that retains vestiges of either racism or at least an insensitivity to the special needs of special groups in this country, like Mexican-Americans and the blacks, American Indians and so on.

A corollary of that is that good personnel administration is taken by the Civil Service Commission to mean that no special measures are taken for any group, even though special measures are obviously needed to meet special problems. So their thesis is that the merit system requires enhanced application of all their principles, all standards to all people, which means that all standards get equal treatment. But all people, since they differ, do not get equal treatment. The Commission's view of the merit system, it seems to me, is a built-in obstacle to any kind of fair administration of an equal employment program.

Another difficulty in the program, and perhaps the most fundamental deficiency, is the absence of clear, apprehendable, realizable goals. There are very few government programs of any merit whatsoever in any agencies that are expected to operate without goals. It seems quite reasonable for the Civil Service Commission to at least offer agencies some target employment levels for minorities which could be expressed in terms of minimum levels of acceptable minority employment, to demonstrate at least modest desegregation of the work force.

As it stands now, heads of agencies and personnel officials in agencies have no standards to aim at, and consequently the Commission has no standards by which to issue guidance to the agencies and no clear standards on which to gauge the performance of the agencies. In the absence of these goals the equal employment opportunity program, like most programs, just doesn't operate well.

I am not advocating a quota system. A quota system is anathema to the Civil Service Commission officials. But what I am talking about is, I think, eminently consistent with good personnel administration: to set goals for accomplishment. And these goals should apply to all grade levels and to most occupational categories, I would think.

There should be some measures of equal employment accomplishment at every level in a personnel program, in an agency's personnel program, and it is possible to get those standards, but the Commission, for fear of being accused of fostering a quota system, backs away at every opportunity from setting any kind of goal for the agencies.

A further problem is that the Equal Employment Opportunity Program exists mostly on paper. It exists in lip service, in tokenism, in fine high-sounding speeches, by Civil Service Commission officials, but Civil Service Commission administrators really believe they are taking the problem seriously. Like anyone similarly situated, the Commission officials are victims of their own propaganda. They have been very defensive for a long time about the Equal Employment Opportunity Program, and so all their speeches, all their press releases, are slanted to show accomplishment, and pretty soon that infects the whole organization, and everyone understands what the party line is, and then it becomes heresy to say "Wait a minute, remember when we first wrote that press release, we were only saying it was accomplishment, but we knew it really wasn't and now everyone behaves as if there is truly accomplishment there." * * * The Commission, in trying to propagandize the minority communities, it seems to me has propagandized itself pretty effectively, much more effectively than I think it has the minorities in this Nation.

* * * One more central problem: a corollary of my earlier observation that there are no goals for the program is that there are no rewards for an agency or for a manager who demonstrates some accomplishment in EEO. The Commission prides itself on good management practices, and it really ought to recognize that one good management practice is to make sure that there are rewards for accomplishment. As it stands now the EEO program is strictly a mildly damned-if-you-don't and nothing-happens-if-you-do proposition. There is no percentage for most managers in making serious advances in equal employment.

The complaint system has come in for a lot of very well-deserved criticism. I would like to just generally run over some criticisms from my point of view in an office which was supposed to have received reports on every closed complaint case from every agency in the government. From that point of view I concluded, as did my colleagues in the Civil Service Commission, at least two things.

One is that a Federal employee cannot really expect fair treatment in the present complaint system, and the other is that a Federal employee would be crazy to file a complaint. . . . (T)he best, it seems to me, that a person can get out of an Equal Employment complaint is to win his immediate battle. If it is a promotion, it might be worth it to win one promotion, if he wins, and the chances of that are exceedingly slim. But if he wins or loses that first complaint, from then on he is a trouble-maker, and we all know, all of us who have any understanding of how the bureaucracy operates, what happens to a known malcontent. His career is very likely finished. . . . [I]t will all be subtle, there will never be anything you can put your finger on, but the complainant will not likely be promoted in the future.

Then there are the typical, the well-documented difficulties with the . . . complaint system, that the agency investigates itself, it judges itself. . . . [I]n some cases now, with the new procedure, the agency invites a hearing officer from another agency to come in and judge it. (But) . . . then that agency reviews the decision of the hearing officer—the head of the agency reviews it!

Finally, the employee may appeal if he wishes to the Board of Appeals and Review in the Civil Service Commission, and that appellate body is the final administrative

level for discrimination complaints. It has a sorry record, that is to say, it very, very rarely overturns an agency decision, and an agency is very, very rarely in favor of the employee. So the Board of Appeals and Review looks very much like a rubber stamp for an agency that has already decided its own fate.

Then, of course, the system has the deficiency of forcing employees to defend themselves, and forcing them to provide their own counsel throughout the procedures, and, of course, facing reprisal in one form or another. So the burden is all on the employee, first to stand up all by himself against a monolithic Federal agency, and then to press his fight against that agency, with the agency judging itself.

A critical factor in all this, it seems to me, is the initial investigation, which even after the Civil Service Commission changes (superficial changes in the complaint system) remains an agency conducting its own investigation.

The investigation is conducted typically by an Equal Employment Opportunity Officer or the deputy in the local installation, and there are two problems with that. One is that the agency, since it is conducting the investigation, is establishing the facts, the base of facts on which all subsequent decisions are going to be made. It is very rare that a hearing officer will require further investigation, and the Board of Appeals and Review in the Civil Service Commission hardly ever requires further investigation. So . . . (these are) all the facts that are going to be obtained in an investigatory way. The initial investigation which is done by the agency (thus) is crucial in the process.

The second problem with . . . (the investigatory process) is that if it is done by the Deputy Equal Employment Opportunity officer, he knows which side his bread is buttered on. He knows who he works for, whether he works directly for the personnel director or whether he is somehow stuck under the head of the agency or the head of the installation. It is still true that his future in that agency depends on how he is viewed by the officials of that agency, and he knows what will happen to him if he finds a second or third time that there was discrimination. His career chances are slim by that time, if not extinct. . . .

A further problem . . . with the Civil Service Commission is . . . administering the complaint system from afar . . . is (that the process is) just as lethargic as . . . is . . . the rest of the Equal Employment Program. The Commission, like most (bureaucracies), deals only with paper work and abstractions, and there is no passion to be found in the Civil Service Commission, no real feeling for the problems of the people way out there who are victims of discrimination. There is just no way, it seems to me, for an administrator in the Civil Service Commission to have an appreciation for how a black man feels when he has been cheated out of a job because he is black, or how he feels when he has been denied a training opportunity that he knows would have led to a promotion because he is a Mexican-American. And lacking that passion, lacking that involvement, being as moribund as the Civil Service Commission is, the program focus, the emphasis, the leadership that comes out of the Civil Service Commission is naturally very timid and naturally has very few results.

I do want to just comment on the new Civil Service system of handling employee discrimination complaints. The Commission trumpeted the new system as a grand change that somehow would resolve a lot of the problems. Well, the problems they were aware of when they began studying the complaints system were that employees had no confidence in the system, and that there were some mild possibilities that justice might not be done through the system.

The Commission then went through months and months of reviewing the system and came out with a very modest change that has not touched either of the two fundamental questions that were there when they started, which are employee confidence in the system and the possibility of getting justice out of such a system. But I believe that they have again propagandized themselves, and having said that the new system is an improvement, (they) will naturally feel obliged to stick with it for many years to come, if they are permitted to.

Mr. RYAN. Would you describe briefly the difference between the old and the new system?

Mr. AMBROSE. The only real difference, the only difference of substance, is that instead of an agency appointing a hearing officer from the same agency to hear a complaint, now agencies will appoint hearing officers who are employed by some other agency. That is really the fundamental change. There are some other procedural changes, but they are relatively inconsequential. That was the one change that it was hoped would restore confidence in the system, and I think it is pretty doubtful that it will.

Mr. RYAN. When did that change go into effect?

Mr. AMBROSE. I think it was a couple of months ago, within the last two or three months.

Mr. RYAN. Now, is an agency required to appoint a hearing officer from outside the agency, or is that discretionary?

Mr. AMBROSE. I do not know. I did not see the final draft before I left the Commission, and it has not been clear in the newspaper accounts I have read since, and I really do not know.

Mr. RYAN. I think (another) . . . witness . . . left the impression that it was discretionary.

Mr. AMBROSE. . . . [A] final problem in the complaint system is that to prove discrimination, I found in the Civil Service Commission and in the agencies I dealt with (that) we tended to look for a guilty party, for a victim.

. . . Despite all the rhetoric that comes out of the Civil Service Commission about patterns of discrimination, in complaint cases we still look for a person who has discriminated, and in the absence of such a person it seems it is very difficult to find that there was any discrimination at all. It somehow seems to be difficult to establish that discrimination is the product not necessarily of a supervisor who calls a man by some racial epithet, but may be the product of a personnel system or may be the product of a general racial climate that produces discrimination, and there is no one individual to be blamed. . . .

Mr. RYAN. Maybe one of the problems on the last point you are making is that a system which is essentially adversary in terms of a complaint being lodged leads to the proposition that there has to be some individual who is responsible, whereas, as you say, in many cases it may be something that is pervasive throughout the whole agency. That is something that is a lot more subtle for a hearing officer to determine, I would think.

Mr. AMBROSE. Yes, and something that takes a great deal more evidence, typically statistical evidence, evidence which . . . the complainant . . . would have to get the agency to give him. No complainant would be expected to have records of promotions over the past year and a half in his unit and know which black people were promoted and which white people were promoted, . . . [T]o make such a case, he would really have to get the cooperation of the agency to fill in . . . those factual gaps.

Mr. RYAN. Are we really talking about two different propositions? One is the case of actual overt discrimination on the part of some supervisory personnel within the

agency, and the second is the overall question of discrimination which is built into the system, which maybe cannot be determined on a case-by-case method . . . at all.

Mr. AMBROSE. Yes, I am sure, except that somewhere in between those two things is the case where an individual does know he has been discriminated against, but he has been discriminated against by a faceless personnel office, and the adversary there, I suppose the defendant there, is the whole office of personnel, and you really cannot make a case against them very easily, against some whole office. . . . [I]t may be conscious, overt discrimination just the same, but not attributable to a single individual or to an individual you can find.

Mr. RYAN. Within the Federal establishment is there a mechanism to reach that kind of discrimination?

Mr. AMBROSE. Not that I know of, no effective one. Of course, the Civil Service Commission (has) an inspection program, and it inspects Federal agencies for compliance with the Equal Employment Opportunity Program, and the inspectors are told to look for such things as patterns of discrimination and a series of possibly related incidents of discrimination, but it is very, very difficult to find. And without the cooperation, usually of the administrative and personnel officials in the installation, I would think evidence about it just could not be adduced. . . .

I did want to make the point about complaints that the Commission—in my experience—never made any effort to require agencies to comply with the Commission's own regulations that a complaint be handled within sixty days, or if a hearing was involved, within ninety days. . . . [W]e got reports every month from every agency on the number of . . . discrimination complaints it had, and how many days overdue they were. Often these reports would list, month after month, the same cases that were 300, 400 days old. . . . [T]he Commission would get the reports, but to my knowledge never did anything about them. So they knew that the particular regulation, the 60 or 90 day requirement, was being wildly violated in most agencies, and let it go.

To be fair (though), it probably is not a realistic time limit in the first place. I think the Commission's first mistake was setting so narrow a time limit, but in any case they did nothing about enforcing it.

Mr. RYAN. The testimony today is that there have been not only months of delay, but years of delay in some of these cases.

Mr. AMBROSE. Oh, sure, yes.

Mr. RYAN. And this is widespread?

Mr. AMBROSE. My experience from reports from all the agencies would confirm . . . that it is very widespread, and not at all uncommon for cases to go more than a year, as long as two years in some cases, and that is all, by the way, before the agency is finished with the case. Then, if there is an appeal to the Board of Appeals and Review, that may add a year to the resolution of the case.

I would like to talk a bit about hiring and promotion. The Civil Service Commission occasionally sends out memoranda encouraging the agencies to actively recruit members of minority groups. I think that any competent administrator knows that that kind of encouragement is not sufficient. It is not enough to just send out memos. . . . [t]hey never set any standards to my knowledge, no targets or specific guidelines for . . . (responding) to the goals for the program. If the agencies are not told what the Civil Service Commission expects of them, (but only) . . . told that (they) are encouraged to hire more minority group members, naturally the agencies do not respond very well. Their disposition is not generally to hire more minority group members anyway, and if they know there have not been targets set against

which they could be evaluated, I would not think they would be moved to recruit any harder.

But most critical is the fact, which is often mentioned by the agencies, that the Civil Service Commission itself . . . (creates numerous obstacles) to the recruitment of minorities. A principal stumbling block for which the Commission is responsible is, of course, written examinations, many of which contain cultural bias, and make it more difficult for black people, for Mexican-Americans, for many other ethnic minorities, to gain employment when they are tested on the basis of conventional, educated, white standards.

Another stumbling block attributable to the Civil Service Commission is the matter of qualification standards. These standards (which are the standards which an applicant must meet to be qualified for a job) fail to note that a man raised in a racist society may have a different education, a different employment history, and especially a different level of previous pay than have the white folks that the Commission has been accustomed to testing over the past years. So there are not provisions in the qualifications to account for the fact that, for example, a black man who is to work as a field representative in the Community Relations Service may not need a college education, and he may not need to pass a conventional English grammar test, but he might have to be able to speak a different language for the environment in which he will be working. . . . A formal education may even be a drawback for some people in such circumstances. They have no mechanism for accounting for the cultural differences in job applicants.

These deficiencies . . . are drawbacks to promotion, of course, as well as to advancement. The qualification and selection standards are very rigid, and contain some substantial degree of cultural bias.

There is also the problem, of course, that it is true that some recruiters and some agency heads are bigots, and not all of the failure of the Equal Employment Opportunity Program is attributable to systemic difficulties. There remains active bigotry in certain parts of the Federal service.

Finally, on promotion and hiring: interviewers are not trained any better than the standards are designed to accommodate for differences in culture. So an interviewer may interview a number of applicants for a job, and find that the black applicant among them, having come from a different culture, speaks a slightly different lexicon, and his verbs may not agree with his subjects in every case, for instance, and the interviewer in the absence of any training to point this out to him, may take that as an index of intelligence, not as an index of culture, and assume that the applicant is not qualified for the job or not bright enough for the job. It is the kind of thing that goes on day after day throughout the Federal service, and no attention is given to it. . . .

I would like to finally make some recommendations, if I may. One is a recommendation for some system of reparation. I (do not) think it is . . . fair to say to minority employees, as the Civil Service Commission and the agencies do now in effect, "Well, there used to be overt discrimination and we know we still have remnants of it, but you will just have to live with the consequences while we iron out our problems."

. . . Some personnel practices have kept a man discriminated against for most of his Federal career, and now the man is too old, the system will tell him, to be promoted. I think the answer ought to be that, "You made me old, you discriminated against me all these years, and you must undo what you have done." I would recommend not only that there be retroactive promotion, but that the Civil Service Commission and agencies be given authority to make retroactive pro-

motions and reassignments not just in cases where discrimination was found as a result of a complaint, but in cases where it can be demonstrated that these conditions have existed for many, many years, and minorities have been cheated out of fair opportunities for so many years. . . .

In hiring people who come from a minority culture, often we find that because our racist society has discriminated against a man in private employment, he has been making a reasonably low wage, no matter what his qualifications may be. Then he comes to the Federal government to get a job and on the basis of his qualifications they may even tell him, "O.K., you are qualified for a good job. Yet your wages were so low in private industry that we are reluctant to pay you, since one of our standards is we won't pay you more than something like 15 to 20 percent more in Federal service than you were making in private employment." And so the discrimination in the private sector carries over and is continued consciously by the Federal employer, and the man continues to be paid less than he is worth, as a result of the discrimination outside of the government.

I would recommend, in addition, that for all the reasons I have mentioned, the responsibility for providing leadership in equal employment opportunity be taken away from the Civil Service Commission. I think the Civil Service Commission itself has no interest in the program. One example of that may be that there are no minority group supergrades in the Civil Service Commission: according to the last minority group census which the Commission published, there are no minority employees above GS-15 in that agency.

It seems to me that a separate agency, or maybe even the Equal Employment Opportunity Commission, could do the job better. In my experience the Commission on Civil Rights, which has the Federal Programs Division, is the agency that has shown the most interest in the problems of discrimination in Federal employment, and the Federal Programs Division of the Civil Rights Commission might be an interesting place to lodge the responsibility for the EEO Program.

[I]t is pretty clear that the purposes of the Equal Employment Program conflict with the purposes of the mythical merit, system, and that the same people who have developed and now administer the personnel system for the Federal government are not really capable of changing (either their own attitudes or) . . . the systems fast enough to accommodate any kind or reasonable administration of the Equal Employment Program. . . .

I do not mean to say that the Civil Service Commission is a bad place or its officials are bad men, but it is important to recognize that many of them have invested much too much in their present system to ever be able to make serious changes in it. . . .

Mr. RYAN. I wonder if you, from your experience, can tell us how many times there have actually been findings of discrimination, so far as you know . . .

Mr. AMBROSE. . . . (F)indings of discrimination in the past two years amounted to less than 2 percent of all the cases of discrimination in the Federal service that were reported to the Civil Service Commission. . . . (I)t is just impossible to believe, it seems to me, that of all the cases of discrimination filed . . . in only 2 percent . . . was there truly discrimination.

Mr. RYAN. What, if any, steps are taken within the Civil Service Commission to follow up on the action within an agency with regard to complaints?

Mr. AMBROSE. Well, there are really no steps taken with regard to completed complaint cases. The Commission gets a report from the agency that includes a description of the basis of the complaint and the findings of the Equal Employment officer or the hearing officers, and many of them are very

suspicious-looking on their face, (or) at any rate, I and many other officials of the Commission had grave doubts about those that we saw. . . . But, in my experience, on only a very few occasions did we ever go back to the agencies and ask them for more information or ask them to review the case. We never, to my knowledge, asked them to reopen one. . . .

One reason is the general disinterest I think I mentioned in the Commission in equal employment: we thought we wouldn't be supported (in reviewing agencies' completed cases) . . . by top management. The second reason is that the office in which I worked, which was responsible for the administration of the whole program, had only 2 professional employees and a manager and a couple of clerical employees. . . . (It was not reasonably staffed to do . . . (follow-ups) and the many other assignments that were given, and so the Commission did not devote the necessary resources to follow up on all the reports that are required of agencies. . . .

Mr. RYAN. In order to do an effective job within . . . (the Office of the Project Manager for Equal Employment Opportunity), what kind of an establishment would be necessary in your opinion?

Mr. AMBROSE. In my opinion it would take a dozen or so professionals . . . depending on what functions were retained there in the Civil Service Commission itself. But it would take at least a dozen people just to follow up adequately on the complaints that came in from the agencies, if anything were to be done with all that data that came in, and if the agencies were to be . . . (challenged) when a complaint looked suspicious or when we thought they might have coerced the employee into withdrawing his complaint. . . .

Mr. RYAN. As far as you know, was any recommendation made within the agency for an increase in personnel in the Project (manager's) office?

Mr. AMBROSE. Well, every office that I have ever worked in has always recommended an increase in its staff, but the answer was just as predictable as the recommendation—that the Commission operates on an austere budget, and furthermore they had other Equal Opportunity programs, which I suppose from the Commission's point of view is true. . . .

(Congressman Ryan and Mr. Ambrose then discussed the Civil Service Commission's ostensible attempt to enforce the affirmative action provision of Executive Order 11246. Mr. Ambrose noted that, while almost all agencies have submitted plans for review, the Commission has only reviewed that of the Post Office Department. As to this agency's plan, Mr. Ambrose noted that the Commission is requesting that it delete some "very fine elements.") Mr. Ambrose continued:

Mr. AMBROSE. One that comes to mind was a provision that in any case when a minority group applicant was not hired for a job, the reason be noted and some higher official in the Post Office responsible for equal employment be told why he did not hire this minority applicant. . . .

Mr. RYAN. Why should the Commission attempt to dilute a plan submitted by an agency?

Mr. AMBROSE. Well, the Commission may be the most bureaucratic of any agency in town, and one bureaucratic principle is a fear of Pandora's box. I think that is irrational, but the Commission's view mostly was, "Well, if we let the Post Office require this, then some other agencies may feel that they have to, and then we will get complaints that that is reverse discrimination, because nobody requires a justification when a white Anglo is not hired, so why should we do it when a black person or a Mexican-

American is not hired or a woman is not hired."

The answer, of course, is that there is no presumption of discrimination in the case of white Anglo males, but in all those other cases there is decidedly a presumption that could well stand rebutting in every instance. The Commission does not see it that way.

Mr. RYAN. I should like, Mr. Ambrose, to thank you for your testimony. . . . (W)e had invited the Chairman of the Civil Service Commission, Mr. Macy, to appear, and he replied that he was not able to because of the pressure of business, at which point we suggested that the agency be represented, if not by Chairman Macy, by someone who could speak for the agency and answer questions relevant to the activity of the agency with respect to . . . discrimination and equal employment opportunities.

Mr. Macy replied by letter that he would be glad to answer in writing any questions, but would not be able to appear or send a representative to appear. I think it is unfortunate that the agency is not represented at these hearings, because you have certainly raised a number of very significant questions, which I would think the Civil Service Commission would want to answer. . . .

MR. HENRY BAYNE AND MR. CHARLES JOHNSON

Mr. Bayne is executive officer of Local 2006, American Federation of Government Employees—AFGE—located in the Social Security Administration in Philadelphia, Pa.

Mr. Johnson is chief steward of the Post Entitlement Branch of Local 2006.

Mr. Bayne, who was accompanied by Mr. Johnson, presented testimony derived from his role as representative of the 2,000 members of the American Federation of Government Employees union at the Philadelphia Payments Center of the Social Security Administration. His testimony concerned three major areas: the deficiencies of the complaint process, the deficiencies of the so-called affirmative action program, and recommendations for changes.

Mr. Bayne pointed to numerous deficiencies in the complaint process. First, long delays in processing complaints. Second, the anomaly of the agency which is accused of discrimination being the same entity which investigates the charges, thereby assuming the very important role of marshalling the facts and structuring their presentation. In furtherance of his concern with the investigatory role played by the agency, Mr. Bayne criticized the investigators for being management-oriented, for having no special training, not any special sensitivity to the problems, and for, and this is out of their control, being assigned to other duties as well. Third, prohibition on retroactive promotions. Fourth, the absence of meaningful corrective action within the agency. As to this latter point, Mr. Bayne stated that sometimes persons charged in pending complaints with discrimination have even been promoted during the pendency of the claim.

In criticizing the affirmative action program within his agency, Mr. Bayne charged: First, people are hired at grades lower than the jobs are slotted for, and are then spuriously promoted upwards; Second, SSA engages in poor recruitment efforts; third, the promo-

tion practices are deficient—there are no built-in safeguards against discrimination; fourth, undue emphasis on tests; fifth, testing which is not job-oriented, thereby not measuring achievement, but only aptitude; and sixth, a misdirected career development approach.

Some of these criticisms are responded to in the later testimony of Mr. Louis Zawatsky.

Mr. Bayne concluded his testimony with several recommendations: First, establishment of an independent agency—a suggestion echoing that of several other witnesses; second, retroactive promotion for those who have not been promoted because of discrimination; and third, penalization of those who have been guilty of discrimination.

The testimony follows:

TESTIMONY

Mr. BAYNE. We have not been able to process one case to its ultimate conclusion under the present administrative procedures. At the present time there are approximately 15 outstanding complaints of discrimination (which) have been filed against the Philadelphia Payments Center—complaints that have not been fully processed within the Department of Health, Education, and Welfare (of which SSA is a part).

(Of these 15 complaints, at least 5 were filed in 1966. We are either awaiting a decision or a formal hearing on complaints that were filed over two years ago.

This points up the first glaring inadequacy of the present procedure—justice delayed is justice denied. Under the Department regulations dealing with equal employment, complaints that are resolved without going to hearings are to be processed within 60 days, and complaints that go to hearings are to be processed within 90 days. We have not been able to process any complaint under the present procedure in less than two years.

The second fallacy in the present procedure is the fact that complaints are investigated by the agency in which the complaint originated. This means that the agency investigates itself and invariably finds no discrimination exists.

We have also found that investigators selected by management of the agency are usually management-oriented persons with long terms of service within the agency. These individuals for the most part have no special training in the area of equal employment. They seem to have no special sensitivity for the problems. They are permanently assigned to other duties, and any assignments in the area of equal employment are an extra, and in some cases, an added burden. . . .

Many of the complaints that are now outstanding in our agency deal with promotions. . . . Even when an employee proves he was discriminated against, he is often told that nothing can be done. We need a law that will give employees full redress when it is found they have been unjustly passed over for promotions and other employment opportunities.

Moving prospectively from the date of the decision does not in any way make up for the past money that was lost nor the anxieties, indignities and emotional stress that the employee had to suffer before he received his day in court.

This takes us to the next aspect of the problem, corrective action within the agency. When it is determined that certain individuals are guilty of discrimination, there is no meaningful machinery for corrective action. We have found that in many cases the persons charged with racial discrimination have been rewarded with promotion to higher supervisory positions by the management of

the agency. This is demoralizing to employees and destroys any confidence they may have in the Equal Opportunity policies of the Federal Government. As a minimum penalty, we believe that those who have been found guilty should be removed from their positions as supervisors.

Mr. RYAN. May I ask you, Mr. Bayne, in how many cases do you know of supervisors having been found guilty of discrimination?

Mr. BAYNE. . . . Persons that were charged with discrimination, I should have said. . . . (I) n about five or six different cases these persons were promoted—these supervisors who were charged with these discriminatory practices.

Mr. RYAN. These are individuals against whom charges of discrimination were lodged?

Mr. BAYNE. Yes, this is correct.

Mr. RYAN. But in which no findings have been made?

Mr. BAYNE. No, these cases are still pending. We haven't had hearings on them yet, but after the complaint was lodged, the individual who the complaint was lodged against has been promoted. . . .

The aforementioned deals primarily with the complaint process under the Executive Order. (I) would like to say a few words about the affirmative action program under the Federal Government, which also supposedly flows from the same Executive Order.

The Social Security Administration has made all types of overtures regarding their accomplishments. In a report dated May 14, 1968, they stated that there has been a tremendous increase in the hiring of black employees. However, they do not mention that approximately 17 percent of them were hired as GS-2's or GS-3's. They also talk about black employees receiving a higher proportion of promotions. This could not be further from the truth.

In 1966 the GS-2 position was reclassified to GS-3 in the Payments Centers. The SSA called the reclassifications 'promotions'. . . .

Mr. RYAN. How many people were involved in that reclassification?

Mr. BAYNE. I think it was approximately 400 people; 350 to 400 people.

Mr. RYAN. They were simply reclassified from GS-2 to GS-3?

Mr. BAYNE. Yes. I only speak for the Philadelphia Payments Center in this particular case. . . .

Mr. RYAN. And it is your testimony that the reclassification of those 300 or 400 people . . . was deemed to be a promotion?

Mr. BAYNE. That is right. . . . Statistics will show a disproportionate number of black employees being promoted for the following reason. The file clerk in SSA is a grade 3 position, but they hire a GS-2. (After) three or four months . . . on the job, these employees are promoted to GS-3's. This is also true of the typist positions. They are GS-3 jobs, but many typists are hired as GS-2's and in three or four months they are given GS-3's. These are also counted as promotions.

There are many black employees in these jobs. This is true of keypunch operator's positions also. These are a GS-4 positions. However, some keypunch operators are hired as GS-2's and can receive two promotions in a year to get to the GS-4 level.

At the end of 1966, . . . the GS-1 position was reestablished in SSA. Needless to say, most of these employees are black. The lowest actual journeyman position in SSA is a GS-3. You can see that they have a lot of room for movement from GS-1 to GS-3. An important point I think is that all of these jobs and promotions are below \$5,000 in salary.

I would like to say that there are approximately 758 district offices in the country, and according to the statistics only 289 offices have black employees. That means that only 38 percent of the district offices have been integrated, and this is a terrible indictment.

Mr. RYAN. What statistics are you using as a basis for that statement?

Mr. BAYNE. These are statistics that SSA has issued (and) . . . statistics that we have derived through consulting with other AFGE locals. . . . They have not demonstrated a real effort in the area of recruitment. A reported recruitment given to us by the regional representative of the Philadelphia Payments Center showed there were nine colleges visited, and only one of the nine was black—Lincoln University. Further, there was one high school visited on career day. This was a Catholic girls' high school. If they were sincere in their requests for black employees, they could have gone to Wynn-Penn High School for Girls, a public school located one block from the Philadelphia Payments Center (and which) . . . is 90 percent black. . . .

As a union we are responsible for representing the employees. Based on this responsibility, we have commented on the promotion procedure, but management for the most part completely disregards our comments.

We have been asking for the following for years:

Union observance on promotion committees; a published list of selection criteria; less emphasis on tests and more emphasis on job performance and seniority; a published list of eligibles for jobs; (and) . . . the right of full grievance procedures for nonselection.

At the present time in the Payments Centers there is no appeal for nonselections. There is a post-audit procedure in the Philadelphia Payments Center, which only deals with the lists of best qualified employees. If an employee is not on the list of best qualified for promotion, he can request a post-audit to ascertain why he was excluded from the list. This is as far as the post-audit goes.

If he was on a list of best qualified but was not selected, he has no appeal rights if he believes he was unjustly passed over. There are no built-in safeguards against discrimination in the promotion procedures of SSA.

SSA has stated that job-oriented tests have been administered to ensure that the best person receives the promotion. In the Payment Centers of SSA I can definitely say the examinations are not job-oriented. They are aptitude tests. The unions have argued for years for tests of the achievement type, the tests that measure the person's ability to perform his present job. This has not been done.

The examinations have also been given too much weight for promotion purposes. An employee that has 30 years of service and is doing an outstanding job may never be promoted, because he cannot pass an internal examination. There is little evidence that the testing program has helped the plight of the black employees when it comes to promotion. If anything, it has hurt them.

Also, SSA is really missing the boat in the area of career development and promotions to technical and promotional positions when they talk about substituting the FSEE (Federal Service Employees Examination) for an internal examination. We say this because employees in jobs just below the Claims Authorized and Claims Representatives positions are in positions that are similar. They are in jobs with related duties. One flows for the most part into the other. If the employee in the lower graded positions has been rated outstanding in his performance, there is no reason why he should not be promoted to the higher grade. In fact, if a review were made (comparing) . . . the competency of the employees promoted into higher graded jobs as compared to the employees (who) come into the jobs from outside, . . . we would find that the promoted employee is usually more competent and does a better job. This is usually due to the fact that the

employee promoted from within has a broader background and a knowledge of the claims process.

We find more black employees in these jobs than white employees, but they cannot be promoted because of the above. The employees (who) come from the outside at the higher levels are generally white college graduates, and very few are black. . . .

Mr. RYAN. Why is it that you have not been able to process complaints to the ultimate conclusion . . . ?

Mr. BAYNE. Under the present procedure we have 5 cases that have been pending for 2 years. . . . We have filed these complaints. We have submitted them to our Department, and we just wait. They use excuses such as, "We don't have a hearing examiner available," or, "We are loaded up with discrimination charges." And it is our position that if they are loaded up with these complaints, (they should) hire more people to handle them. . . .

Mr. RYAN. You spoke about the regulations which prohibit retroactive promotions.

Mr. BAYNE. Yes. These are regulations, at least these are the Department regulations, and I am pretty sure that there are some legislative regulations, also, that say that you cannot promote an employee retroactively, if I am not mistaken.

Mr. RYAN. You are talking about a failure to be able to promote even if a finding of discrimination . . . in not making the promotion is made?

Mr. BAYNE. Right.

Mr. RYAN. Do you have any other specific recommendations that you think could be . . . (implemented) either internally within the agency or that should be provided for by legislation?

Mr. BAYNE. Well, frankly, I don't think we can ever solve the problem if it is handled internally. That is the first thing. Now, I feel there must be some agency separate and apart from the agency that you are in to handle these complaints.

There must be some redress for the employees, if discrimination is found. There must be retroactivity in promotions. . . . There must be some penalty, a minimum penalty for the person who has discriminated. . . .

MR. LOUIS ZAWATSKY AND MR. PAUL L. EVERETT

Mr. Zawatsky is Deputy Assistant Commissioner for Administration, Social Security Administration, and Deputy Equal Employment Officer, Social Security Administration.

Mr. Everett is Chief of the Insurance Compliance Staff, Social Security Administration.

The testimony of Mr. Zawatsky and Mr. Everett concerned the two facets of Executive Order 11246—the ensuring of, and expanding of, employment opportunities within the Federal Government itself, and by Government contractors. This latter testimony is included later in the report.

The testimony on the former question was largely directed to responding to that of Mr. Henry Bayne, an employee of SSA who had earlier in the hearings leveled severe criticisms and identified patterns of discrimination within SSA. While Mr. Zawatsky claimed no attainment of the "millennium," he did believe that "we have made progress." Some of the statistics which he presented follow:

First. Between 1962 and June 30, 1968, the percentage of Negroes making up the total SSA work force rose from 13.6 to 24.3 percent;

Second. As of September 30, 1968, blacks constituted 15.4 percent of all

employees at grades 5 through 11, and, taking into account all minorities, this percentage increased to 17.9 percent.

Third. While in 1962 there were only six blacks—0.5%—at grades 12 to 15, Negroes representing 4.4 percent of the as of September 30, 1968, there were 202 total number of employees in these grades: GS-12—116; GS-13—56; GS-14—23; GS-15—7.

Mr. Zawatsky claimed that of major concern was the number of persons in the field organizations, where the public comes in requesting service. As to these, Mr. Zawatsky presented the following statistics:

(1) As of June 30, 1968, minority group persons held 19 percent—582—of the 3,070 service representative positions GS-4 and GS-5 in the field; 10.7 percent—772—of the 7,191 claims representative positions GS-5, GS-7, and GS-9; 5.2 percent—86—of the field representative positions GS-10. There were 18 minority group district officer managers—GS-12-14—and 16 assistant managers—GS-12 and GS-13.

In response to the questioning by Congressman Ryan, Mr. Zawatsky dealt with Mr. Bayne's charge that in only 289 of the 750 field offices were there black employees. He maintained that in any area of the country where the minority population makes up about 5 percent or more of the total population, "about 90 to 95 percent of these offices—in these areas—have Negro or other minority employees."

Mr. Bayne and Congressman Ryan also discussed Mr. Bayne's charge of spurious promotions—that is, the hiring of persons at grades lower than the positions are slotted for, followed then by a 'promotion' to the proper grade.

The testimony follows:

TESTIMONY

Mr. RYAN. . . . Mr. Bayne . . . referred to . . . the reclassification of GS-2's to GS-3's . . . and the counting of that reclassification as a promotion.

Mr. ZAWATSKY. I am glad you raised that, Congressman Ryan, because it is sort of darned if you do and darned if you don't. In the Philadelphia area, . . . and this is the office about which my colleagues were talking, it is true that we recruit at the Grade 2 register for our file clerks, and we have done that for years and years and years, and after a reasonable period of training, which is anywhere from 3 to 6 months, the employees receive a Grade 3. . . .

But, by the same token, if we limited our recruitment to the higher levels, say a 3 or 4, many minority employees would not be on the registers.

(Mr. Zawatsky's point, therefore, was that by hiring at lower than the slotted grade, more people were made eligible for hiring. However, as to whether the subsequent reclassification of these people to the proper grade were lumped together with other promotion statistics to thereby give a very advantageous (to the agency) promotion picture, Mr. Zawatsky had no information. He did maintain, however, that "the rate of promotions in Philadelphia, in the Payments Center, I think is quite credible. I know so, but I don't have the figures.")

Mr. Zawatsky also made some mention of the SSA's affirmative action program.)

Mr. ZAWATSKY. (O)ne of the points made by my colleagues from Philadelphia was that for the first time SSA is recruiting a Grade 1 again. Now, this was an affirmative action program. There were people, minority em-

ployees, not only in Philadelphia but in many parts of the country, who couldn't pass the Grade 2 Civil Service entrance examination, and with the permission of the Civil Service Commission we and other agencies introduced the idea of recruiting at Grade 1, where special jobs were set up requiring lesser skills, and this did not require the normal examination as we know it.

It really was a situation where . . . an applicant would fill out a form, and based upon that information a judgment would be made by the Civil Service Commission whether he qualified. . . . We would bring them in at Grade 1. We provide a period of training, and then promote them on a competitive career basis into Grade 2, Grade 3, and so on.

Other things that we have done in SSA, particularly in Baltimore, where we have approximately 17,000 employees, we have what we call diagnostic testing programs where employees, white and black in the lower grades, who have been with us for years, and have not progressed, are able on a voluntary basis to take these examinations, find out for themselves what some of the deficiencies may be, and then we have provided on-site . . . high school classes; we have college programs at the graduate and undergraduate levels, and we have drop-in classes for people who would like to be stenographers or typists. In other words, we have instituted programs for people of all races and all creeds, who feel that they need added training so that they can be more competitive in the organization.

MRS. AMY SCUPI

Mrs. Scupi is a partner in the Washington, D.C. law firm of Galland, Kharasch, Calkins, and Lipman. She appeared on behalf of the National Capital Area Civil Liberties Union, which is the Washington, D.C. chapter of the American Civil Liberties Union.

Like Mr. Hobson, Mrs. Scupi advocated establishment of an independent agency to handle equal employment. She also advocated, in this agency, the power of issuing cease and desist orders; and she suggested that discriminating employee be punished.

Mrs. Scupi's testimony chiefly concerned the laborious procedures a complainant must go through in order to obtain a hearing in a discrimination complaint. This was brought out in her discussion of a case which the National Capital Area Civil Liberties Union brought against the District of Columbia Department of Licenses and Inspections.

In the Housing Division of that Department, 69.2 percent of nonwhite employees had some college education or better, while 69.7 percent of white employees had high school education or less. Despite this, until the complainant filed his complaint, no Negro had ever been promoted to a GS-11 or above in the entire Department. Moreover, when the complaint was filed, no nonwhite employee in the Housing Division with, or without, a college degree, had ever made a GS-10 or above. Whereas, with one exception, no white employee with a college degree who had been with the Department 2 years or more had failed to make a GS-10 or better. And despite this statistics, the Department of Licenses and Inspections ranked in the top half of 17 District of Columbia agencies analyzed in terms of comparative grade structures between whites and Negroes.

TESTIMONY

Mrs. SCUPI: The District of Columbia's Equal Employment Opportunity Regulations are contained in an order designated as Commissioners' Order 66-1251. . . . (A) memorandum dated August 19, 1968, of the Commissioners' Council on Human Relations shows that since April, 1966—the effective date of Board Order 66-1251—to August, 1968, 156 complaints of racial discrimination have been filed under Order 66-1251 against 24 separate District of Columbia agencies; 16 of these complaints have been conciliated, leaving 140 still—and probably forever—pending.

The one hearing that has been held under Order 66-1251 was in the case which the National Capital Area Civil Liberties Union brought against the Department of Licenses and Inspections, and the difficulties in obtaining a hearing in that case illustrate why unsettled cases remain pending on the docket.

The complaint charging the Department . . . with racial discrimination was filed by a housing inspector, Joseph T. Watkins, in December of 1966. Following investigation by the Equal Employment Opportunity Officer and denials of discrimination by the department, we asked for a hearing in February, 1967. . . .

Finally, in April of 1967, the Equal Employment Opportunity Officer issued a procedural order setting the case for hearing in May. This order had to be rescinded, however, because the Department refused to produce information which had been requested by the complainant pursuant to the Equal Employment Opportunity Officer's procedural order. . . .

Subsequent directives from the Equal Employment Officer to produce the information were met by subsequent refusals by the Department. There is no remedy or sanction in the regulations against agencies which simply refuse to cooperate with the Equal Employment Opportunity Officer. His or her powers depend upon cooperation from the agency charged. If such cooperation is lacking, his or her only recourse is to run to the Mayor. . . . Obviously, such procedures enable the defending agency to throw an infinite number of procedural roadblocks into a complaint proceeding. . . .

When (Corporation Counsel) Charles Duncan agreed that the Department should comply with the orders of the Equal Employment Opportunity Officer, Commissioner Mathe, supported by the Personnel Office of the District of Columbia, intervened and told the department they need not comply. It was only after suit was filed in the District Court for the District of Columbia charging Commissioner Mathe with obstructing the Board of Commissioners' equal employment opportunity order that Commissioner Mathe rescinded his instructions and the Department furnished the information requested. A third procedural order was issued, and the hearing commenced over two years after the complaint was filed.

Thus, the only complainant out of 140 complainants who has succeeded in obtaining a hearing waited two years to get that hearing, and had to depend upon the cooperation of the defendant's attorney to obtain that hearing, and still had to file a court action before the hearing was held. Obviously, such procedures provide no redress whatsoever for racial discrimination by District of Columbia agencies.

Clearly, a detailed investigation and thorough overhaul of each District of Columbia agency, including the Personnel Office, is in order. Equal employment regulations must be administered by an agency which is endowed with sufficient power to enforce its directives.

Finally, there must be procedures which allow for the imposition of disciplinary ac-

tion against District of Columbia government employees who thwart the policy of equal employment opportunity, and who obstruct the agency charged with the enforcement of that policy. . . .

It seems to me that there must be an agency set up to (administer equal employment opportunity). . . . If it finds discrimination it must have the power to order an employee promoted. If it finds discrimination in hiring it must have the power to discipline the people that are doing the hiring, to recommend new people to come in to do the hiring, to oversee each and every aspect of that agency's functions. . . .

Mr. RYAN. I have often advocated the federal government having the power to issue cease and desist orders and enforce them in court. Would you suggest a similar power within the District government?

Mrs. SCUPI: Absolutely. . . .

Mr. RYAN. How would you deal with the long delay which you have encountered? Absent this kind of an agency, what can be done within the existing structure to speed up the processing of complaints?

Mrs. SCUPI: Within the existing structure nothing can be done because there is simply no sanction for an agency charged with discrimination who refuses to cooperate in the investigation.

MR. HERBERT ROCHE

Employee, Bureau of Hearings and Appeals, Social Security Administration, Arlington, Va.

Mr. Roche presented testimony reiterating that of Mr. Bayne and Mrs. Scupi in regard to the drawn-out nature of the grievance procedure.

The testimony follows:

TESTIMONY

Mr. ROCHE. In February of this year I filed a complaint about discrimination in the Bureau. We got a reply in May. In July we requested a hearing, and only recently . . . we were told that a hearing examiner was finally appointed, and he will schedule a hearing at some time. . . .

Mr. RYAN. Is there any reason for this long delay?

Mr. ROCHE. Well, we were told that they had difficulty finding a referee, a hearing examiner to assign to the case. . . .

MR. WILLIAM WILLIAMS AND MRS. MARY CHERRY

Mr. Williams is associated with the Federal Employees Council on Equal Employment Opportunity and is a member of the NAACP. Cochairman of the Labor Industry, Columbus, Ohio branch.

Mrs. Cherry is executive secretary of the Federal Employees Council on Equal Employment Opportunity and is employed at the Defense Construction Supply Center (DCSC), Columbus, Ohio.

Mr. Williams and Mrs. Cherry appeared together and gave testimony as to discrimination at the Defense Construction Supply Center, Columbus, Ohio. Mr. Williams' testimony confirmed that offered by Mr. Hobson: even where blacks do obtain employment, they are most often concentrated in the lowest paying jobs. Mrs. Cherry characterized the situation at DCSC as one of "overall disgust and despair for the greater number of minority group personnel."

The testimony follows:

TESTIMONY

Mr. WILLIAMS: My statements will be briefly confined to distributions of annual payroll at the Defense Construction Supply Center, . . . at Columbus, Ohio. I do not think that there is a better method to measure the effects of discrimination suffered

by the black employees and (their) community. . . .

Defense Construction Supply Center, according to December, 1967 statistics, employs a total of 5,591 persons, of which 32.5%, or 1,818, are Negro. The total amount of wages paid to all employees in the normal annual payroll amounts to \$41,895,271, of which . . . (blacks receive) \$10,350,420 . . . , less than 31% of the total wages.

The average pay of a white civilian worker at Defense Construction Supply Center at Columbus is \$8,360, or the top step of a GS-7, compared to the average annual pay of the black employee of \$5,593, or a GS-4.

Mrs. CHERRY: Seniority, veteran status, excellent leave records, things which would be highly considered by private industry, are of little or no value to the minority group employees when selections are made for promotions. These things, along with the ability to perform duties with little or no direct supervision, ability to work at higher grade levels when permitted to do so, ability to work with all people, and ability to work under any and all circumstances, should mean promotions for such persons, but this is far from the way promotions are made. . . .

(P)romotions are made solely on the basis of superiors' personal opinion(s). . . .

The SUUP program went into effect more than a year ago. . . . This was a program for minority under-utilized personnel, but the end result was like anything else at DCSC. It benefited many white employees who did not need a special program to be promoted in the first place. . . .

MR. SNYDER GARLAND

Mr. Garland is employed at Headquarters, ASLC, Wright-Patterson Air Force Base, Dayton, Ohio. He has formulated complaints and represented complainants in 120 complaints between March 1, 1968, and December 1, 1968, 95 percent of which were against local Federal agencies in Dayton.

Mr. Garland noted the patterns of discrimination which exist at the four agencies in Dayton with which he is familiar—the Post Office, Defense Electronics Supply, Wright-Patterson Air Force Base, and the Veterans' Administration Hospital. He especially decried the "phony merit promotion system, which includes a lot of biased . . . cultural pattern tests."

In illustrating the patterns of discrimination, he observed that when a white person is promoted or reassigned, the position is usually downgraded and filled by a black. But, when a white replaces a black, the position is upgraded.

Mr. Garland also leveled criticism against the Civil Service Commission's MUST—Maximum Utilization of Skills and Training—program. He stated:

In the Dayton area the MUST program . . . is a joke, really. . . . (T)he program means that they will teach them how to sweep the floor better, and this kind of thing. . . .

Mr. Garland and Congressman RYAN then engaged in a colloquy on a subject earlier mentioned by a previous witness, Mr. Hobson—the exclusion of blacks from the burgeoning computers program. The testimony follows:

TESTIMONY

Mr. GARLAND: (T)he computer area has been more or less excluded from blacks at Wright-Patterson Air Force Base. I guess that is the home for computer science. They have a training program called the Peripheral

Computer Training Program. The previous classes that we have had were all pre-selected students, whites. Blacks were excluded.

Mr. RYAN. What kind of procedure was used to select the trainees?

Mr. GARLAND. From the Peripheral Computer Training Tests. This is a real drawn out thing. Some of these folks have filed complaints with the Veterans' Administration in Dayton, where there (are) some individuals who test(ed) real well. They were young people.

There are five—I have charges now—who took the tests, and the majority of those five scored higher on the tests than most of the folks in this particular class. For example, one young lady got an 85.9, and she was interviewed and everything was copacetic until she mentioned my name as being the person that referred her to the program, and everything changed on the part of the manager who was doing the interviewing. In fact, we also have charges against him. . . .

Another young employee who also has a case pending at the VA Hospital was interviewed, and on her Form 57 she used my name as a reference. Again, the man doing the interviewing . . . (was) the man that has been discriminating against me for eight or 10 years—and he is the manager in charge of this action. . . .

Mr. RYAN. I think you have touched on an area which Julius Hobson touched upon, and that is the need to create opportunities for black employment, particularly in the new technology fields. If there is a preselection process taking place at Wright-Patterson which in effect ensures that black trainees will not have an opportunity to participate in that program, this is most serious. . . . Because, as science and technology create many of these new jobs, certainly we must make sure, all of us who have any responsibility in government or out, . . . that the opportunity is there for black people to have the same chance as anyone else. . . .

Mr. GARLAND. Well, . . . how it all started—the recruiting is done in predominantly white neighborhoods, . . . called Fairborn, Ohio and Kettering, which . . . (are) 99.9% white.

Mr. RYAN. Is there some preliminary test that has some kind of a cultural bias besides?

Mr. GARLAND. Yes, yes—well, no—I am saying these folks passed the test. They all made good scores, higher than the folks now in the class. . . . For example, one glaring case . . . we have sent to the Board of Appeals—this gentleman was surplus for over two years. He has been on the Register for the computer test, and he was passed over and not even considered. The same manager, who did not select the other blacks, informed him that he would take care of this later, and just left him on the surplus list for two years . . .

JESSE GOODING

Mr. Gooding is chairman of FORCE—Freedom, Opportunity, Citizenship—Dayton, Ohio.

Like Mr. Snyder, Mr. Gooding was concerned with employment practices at Wright-Patterson Air Force Base, and he drew general conclusions from his experience with practices there. In criticizing the Civil Service Commission and its implementation of the equal employment opportunity program, he singled out the following points: First, EEO officers serve mainly to maintain the status quo, giving only lip service to the EEO philosophy. Second, Qualification requirements are waived for whites, but not for blacks. Third, No disciplinary action is taken against whites when the evidence points to discrimination. Often, the discriminator is even promoted. Fourth, The

regulations issued by the Civil Service Commission are modified and amended by the bureaucrats who actually implement them. Fifth. Delaying tactics are engaged in by an agency after a complaint has been filed. Sixth. Retaliation is taken against the employee who files a complaint.

As to this last point, Mr. Gooding gave the following testimony:

TESTIMONY

Mr. GOODING. Once a complaint is filed, the complaint can expect no consideration from personnel. Now, once you file a complaint, personnel just writes you off. As far as promotion is concerned, transfer, this type of thing, you are considered a troublemaker and you can just consider you have had it. . . .

Each year a large number of documented cases of discrimination have been presented to the Civil Service Commission when they come to Wright-Patterson Air Force Base for their annual inspection. No corrective action has been taken in any of these cases except the usual reprisal against the complainant. . . .

Mr. Gooding also offered some recommendations.

Mr. GOODING. Some . . . things . . . might aid the situation. If we could have impartial congressional hearings, investigators . . . sent to the Wright-Patterson Air Force Base to determine the magnitude of the problems and the relations between personnel and management in presenting and processing and involving discrimination problems.

Criminal charges should be brought against those who are found to be discriminating or denying equal opportunity.

Abolish the so-called merit promotion system.

The system where there are unqualified whites placed over qualified Negroes should be reversed and corrective action should be taken and monetary adjustments be made.

MR. CHARLES I. CASSELL

Cochairman, Black United Front, Washington, D.C.; member, District of Columbia Reconstruction and Development Corporation; member, Community Education Committee of Federal City College; employee, General Services Administration.

Mr. Cassell, an urban planner employed by the General Services Administration, was also chairman of the union chapter at GSA. The main thrust of Mr. Cassell's testimony was a presentation of the discrimination—both individualized and systemic—which exists in Federal agencies. He pointed to Julius Hobson's demonstrated abilities as contradicting his relatively low employment position, and concluded that Mr. Hobson "is the prime example of the fact that it is entirely hopeless in the Federal Government of the United States for a black individual to measure up to any standards, regardless of how lofty they may be, and to have this responded to and to have this black man utilized.

Mr. Cassell also discussed the case of Mrs. Mary Bryant, a Federal employee whom he represented as Chairman of the GSA branch of the AFGE—American Federation of Government Employees. He used her case to dramatize the inadequacy of present grievance structures. Mrs. Bryant, according to Mr. Cassell, was subjected to repeated acts of harassment and intimidation which began when she attempted to obtain per-

mission to use a few hours of her annual leave time to take a driving examination.

An especially noteworthy point made by Mr. Cassell, and one touched on by Mr. Gooding's discussion of the retaliation taken against so-called "troublemakers" who complain about discrimination, is that the present grievance structure in effect pits the complainant against the system, rather than the system working with the complainant to rectify a legally condemned wrong. Mr. Cassell's testimony in this regard follows:

TESTIMONY

Mr. CASSELL. I find myself working now in a line operation, and I find that in attempting to represent my own interests and attempting to represent that of employees throughout the Federal Government, and I have done this for people in other agencies, . . . that the reaction is always not only negative but punitive. And to protect an employee who has dared to bring a case, it is necessary for the representative to have some kind of force behind him—an effective union, an effective and aggressive representative or a specific charge which puts the agency on the defensive.

All of this generates within employees a very negative attitude. It generates within employees the feeling that they are at odds with and enemy to their own government. This has a great deal to do with morale, and morale has a lot to do with efficiency. . . .

(Mr. Cassell recommended, first, that equal employment opportunity officers should be given the latitude to do their jobs. And, as other witnesses did, he urged creation of "an independent agency whose reason for being and whose sustenance, whose maintenance in office is that they do the job of speaking to this crying need for, first of all, an admission, a true admission of the disadvantage to which black employees have been put in the Federal Government." Such an agency would have the responsibility "to actually bring cases and to have the authority to apply sanctions where an agency is deficient.")

Mr. Cassell and Congressman Ryan then engaged in a colloquy which further underlined the present inadequacy of the grievance procedure to effectively and affirmatively cope with the discrimination which Mr. Cassell's own personal experience attests to.)

Mr. RYAN. In your experience, how many findings of racial discrimination have you known of?

Mr. CASSELL. I have only known of one, and that was in my own particular case, and this was a long, hard-fought battle. I think this was unusual because of the fact that the supervisor himself was quite inept, and I was able to bring him to use racial epithets in the course of the hearing. . . . This was at Veterans' Administration in 1963. . . .

I have not had a promotion myself in five years, and based on my activities in recent years, I don't expect that I will have one based on merit. If I get one, it will be based, again, on what people like to say, "You are very shrewd and you are very cunning and you are very clever." . . . (It is a shame for people to have to resort to that in order to be considered for promotion. . . .

I certainly hope that Congress can highlight this issue (of discrimination) in such a way as to give not only warning to the agencies themselves, but confidence to the employees themselves. We need a body of minority people who can really have confidence in and feel a sense of loyalty and patriotism, which simply is nil among minority people now, regardless of the image that they may project for the public.

MR. THOMAS JACKSON

Mr. Jackson was a supply clerk in the Office of the Surgeon General, Department of the Army.

Mr. Jackson's testimony concerned his retention "in low ranking grades for a period of 17 years." He interpreted this not only as an individualized victimization, but also as representative "of patterns of discrimination which have denied advancement over a number of years to members of minority groups as a class."

Mr. Jackson stated that during his 17 years of employment in the Department of the Army, he had applied for 26 vacancies which, if approved, would have given him a job of higher classification and authority. He charged the Army with having denied him these promotions because of racial discrimination. Among the specifics which he pointed to were the facts that, although he had on two occasions taken and passed the FSEE—Federal Service Employment Examination—he had not been accepted for new jobs; and, successful completion of a computer programmer course also failed to result in a promotion.

FATHER HENRY CASSO

Father Casso, vicar of Urban Affairs for the Catholic Archdiocese of San Antonio, Tex.; board member, Mexican Legal Defense Fund; Chairman, Texas League for United Latin American Citizens; and past National Executive Secretary of the Bishops Committee for the Spanish-Speaking.

Father Casso's testimony focused on the Kelly Air Force Base, in San Antonio, Texas, which employs some 24,000 people, about 50 percent of whom are minority group members—chiefly Mexican-Americans. Father Casso pointed out the patterns of discrimination which have produced the typical triangle configuration of employment—concentration of minority group members at the low level base of the employment triangle, with fewer and fewer such people the higher the grade. The testimony follows:

TESTIMONY

Father Casso. There has been, in recent history, particularly in San Antonio, great emphasis . . . (on) the Air Force facility at Kelly Air Force Base. . . . (T)he reason is because it is the largest federal employer of the Mexican-American in the whole of the Southwest, employing some 24,000 people, a good 45% of whom . . . (are) Mexican-American.

(T)he report of the Texas Advisory Commission to the United States Commission on Civil Rights, dated June of 1968, (shows) a tremendous frustration on the part of individuals who felt that they were . . . in dead-end jobs. . . . We recognize there has been some change (since the report of the Commission, on which I served). But there have been, likewise, very serious problems, and the problems are in terms of lopsided distribution of salaries and grades, the preclusion of integration of minorities into executive level positions, no significant meaningful change in view. . . .

To give you somewhat of an idea of what we are talking about, to show this pattern here, we have the distribution of the GS level(s), for example. Of the total 1,434 GS-11 positions, only 190 of them are held by minorities, be they Mexican-American or Negro. Of the 686 GS-12's, only 48 are held by the Mexican-American and the Negro, both of whom (together) make up 50% of the work force. Of the 262 GS-13's, the minorities have 19. Of the 62 GS-14's, the minorities have 2. Of the 20 GS-15's, the minorities have absolutely none. And the (one) GS-16 . . . (is white). . . .

Now, we have to talk in terms of what does this mean to us economically, and so we have broken this down. . . . (T)he Negro's average (salary) is \$6,188. The Mexican-American's is \$6,403, and our Anglo counterpart's is \$8,109.

So we are saying that the Negro is less (by) \$1,921, the Mexican-American (by) \$1,606. So we see that this dollar differential bequeaths to us an economic handicap to be able to compete in any given community. So we are saying, with minorities having a lesser chance for improvement in future standards of living, in health and education, because the economic opportunity is cut off, that we find that it is probably impossible to solve the present situation unless other means are used. . . .

And then we look at another instrument that has been able to help us in creating a change and that is in the JADE or FSEE programs, and here we have written testimony of individuals who have competed and who have done well and have not been able to be placed from these programs, from these instruments supposedly set up to help them upgrade themselves. . . . So an instrument to help eradicate a problem in itself needs very careful scrutiny. . . .

[T]here is one other area that we talk in terms of, and that is the distribution of organization at the supervisory level. There are 10 directors. Of the 10 directors, there are no minorities. At the division level, of the 69 division chiefs, only one is of a minority group. At the branch level—182 branch chiefs . . .—there are only 8 that are of minority groups. Of the 392 section level chiefs, only 40 of them are from a minority group.

There have been those who have said to us, "Your people are not educated." In looking at these top 10 directorates, we find that 3 of them do not have a college degree. . . . Of the three people considered recently for a high top position at Kelly (Air Force base), one of them only has a high school education. . . .

Mr. RYAN. . . . [T]he case-by-case method in handling civil rights matters is just terribly time consuming. And although it is terribly important for the individual concerned, there must be an overall approach which looks at the pattern of discrimination and then which takes affirmative action, not leaving it to the individual or to the Legal Defense Fund or private voluntary organizations to carry through the complaint.

Father CASSO. See, we have this dilemma, Congressman. We are told that the attitudes of an installation such as this reflect the attitudes of the community. Therefore, the community attitudes must change if that is going to change. . . . I take an opposite position. I take the position that the federal government must be the one to set the example. The federal government must be the one setting the pace to help change—especially when it is the largest employer—the attitudinal environment in the communities. . . .

Mr. RYAN. . . . This is true in many other areas of the country where there are big defense establishments. And it has always been my view that the federal government should use its power and set the example and thereby bring along what . . . might be described as a reluctant community. Because whether it be in terms of off-base housing or whether it be in terms of employment practices on the Base, the federal government has the power, it has the legal authority today to eliminate discrimination such as you have described.

What is needed is the willingness to do so. And it is again unfortunately true that it is the efforts of dedicated people such as yourself, and of the voluntary organizations, which must keep the pressure on the federal government, as well as it is the need for people in our position to keep the pressure on

the federal government to exercise its power and to fulfill its commitments.

Father CASSO. I would like to conclude with this remark. I do not want the record to reflect that the Mexican-American community is asking something for nothing. And I do not want the record to reflect that we want jobs that should not be given because of the lack of preparation. What I am dedicated to—and I think I represent much of the thinking of the Mexican-American community when I make this next remark—is equal opportunity to compete. . . .

THE EQUAL RIGHTS AMENDMENT— WHAT IT WILL AND WILL NOT DO

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mrs. DWYER. Mr. Speaker, the Citizens' Advisory Council on the Status of Women has prepared a succinct but comprehensive report on the proposed equal rights amendment to the U.S. Constitution in terms of what it will and what it will not do.

In the hope that this factual and persuasive document may serve a useful purpose during the current consideration of the Amendment, I include it as a part of my remarks in the RECORD.

The report follows:

THE EQUAL RIGHTS AMENDMENT—WHAT IT WILL AND WON'T DO

The Equal Rights Amendment. The proposed Equal Rights Amendment to the Constitution reads as follows:

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. (emphasis supplied)

General effect on Federal and State laws and official practices. The Equal Rights Amendment would not nullify all laws distinguishing on the basis of sex, but would require that the law treat men and women equally. Equal treatment can be accomplished either by extending the law which applies only to one sex to the other sex, or by rendering the law unconstitutional as denying equality of rights to one sex. The consideration of the ratification of the Equal Rights Amendment by the individual States will give ample opportunity and time for States to decide on modifications to adjust their laws to the Amendment where needed. Any modifications could be made so long as no distinctions are based on sex.

In interpreting the Equal Rights Amendment, the Courts will consider the intent of Congress, particularly the views expressed by the proponents of the Amendment. The following is a summary of effects the proposed amendment would have, as reflected in the House debate on the Amendment and in Senate reports in previous years.

Alimony, child support, and custody laws. Present laws will not be invalidated. In those States where alimony is limited to women, men will become eligible under the same circumstances as women. The welfare of the child will be the criterion for child custody as it is in most States now. Provisions of law giving mothers (or fathers) preference will be inoperative.

The National Commissioners on Uniform State Laws recently adopted a Uniform Marriage and Divorce Act, the terms of which are in accord with the Equal Rights Amendment. It provides for alimony for either spouse (called "maintenance"), child support obligations for both spouses in accord-

ance with their means, and custody of children based on the welfare of the child.

It should be kept in mind that the great majority of divorce arrangements covering these areas are agreed to by the parties without litigation.

Dower rights. Dower laws will not be nullified. Dower rights will be extended to men in those few States where men do not have a right in their wives' estates.

Property rights of married women. Special restrictions on property rights of married women would be invalidated; married women could engage in business as freely as men and manage their separate property such as inheritances and earnings.

Status of homemaker. Congresswoman Dwyer of New Jersey said on August 10 in the debate in the House of Representatives on the Equal Rights Amendment: "It would not take women out of the home. It would not downgrade the roles of mother and housewife. Indeed, it would give new dignity to these important roles. By confirming women's equality under the law, by upholding women's right to choose her place in society, the equal rights amendment can only enhance the status of traditional women's occupations. For these would become positions accepted by women as equals, not roles imposed on them as inferiors." CONGRESSIONAL RECORD, p. 28004.

State "protective" labor laws now applying only to women. Minimum wage laws and rest period and lunch period laws will be extended to men. Laws prohibiting hours of work beyond a specified number, night work, employment in particular occupations, and weightlifting laws will be invalidated. There will probably not be any of the prohibitory laws in effect by the time the Equal Rights Amendment is ratified, as a result of Title VII of the Civil Rights Act of 1964. Leading court decisions, changes by State legislatures, rulings by State Attorneys General, and guidelines of the Equal Employment Opportunity Commission all clearly point in this direction.

The Equal Rights Amendment would not prohibit special maternity benefits. Furthermore, only Puerto Rico gives any special benefit and its terms may discourage employers from hiring women. In fact, laws in several States prohibit employment of women during specified periods before and after childbirth but do not require reemployment or even require employers to give any of the benefits given for other forms of temporary disability. Two States have temporary disability insurance plans that include benefits for loss of employment due to childbirth along with other types of temporary disability, but this is not a special benefit.

Employment. The Equal Rights Amendment would restrict only governmental action and would not apply to purely private action. It would not affect private employment; it would prohibit discrimination by Government as an employer—Federal, State, County, and City, including school boards. One of the largest group of employees affected are teachers, professors, and other employees of public schools and State institutions of higher education. It would require equal pay for equal work only for employees of Government. The coverage of private employees under present equal pay laws would not be extended or otherwise modified.

Education. The Equal Rights Amendment would prohibit restriction of public schools to one sex and it would prohibit public institutions from requiring higher admission standards for women (or men in case any exist).

Federal social security. The Equal Rights Amendment would extend to widowers of covered women workers the benefits now provided only to widows of covered men workers. For example, widowers with minor children would receive a benefit based on their deceased wife's employment under the same

circumstances a widow with minor children would receive.

A man retiring at age 62 would have his benefit computed under the same formula as a woman retiring at 62. (This particular inequity would be corrected by the Social Security Act Amendments that passed the House of Representatives this session and are now pending in the Senate.)

Other Governmental pension and retirement plans. Any preference in treatment given to one sex or to survivors of one sex would be extended to the other sex. The Equal Rights Amendment would have no bearing on private pension and retirement plans. Many are now covered by Title VII of the Civil Rights Act of 1964.

Military service and jury service. Women would be subject to jury service and military service under the same conditions as men. Women with children in their personal care could be excused from either obligation just as men could be under the same circumstances. Being subject to military service would not necessarily mean they would have to serve in all assignments any more than all men serve in all assignments. Women volunteers would have to be admitted under the same standards as men; they now have to meet higher standards. During World War II many thousands of women served, many of them in dangerous assignments. This Administration is making every effort to move to a volunteer service; the issue of the draft may, therefore, be moot by the time the Amendment is ratified.

Criminal law. The Equal Rights Amendment would invalidate laws prescribing longer prison sentences for women than for men for the same offense (or vice versa, if such exist), different ages for treatment as adults for purposes of criminal law, and laws permitting imprisonment of women who have not committed any offense. It would require equal opportunity for rehabilitation, including access to treatment for drug addiction and alcoholism. It would not affect laws relating to rape.

Psychological and social. The Equal Rights Amendment will directly affect only women's legal rights. It will not affect the social relationships between the sexes.

There are, however, intangible psychological benefits already accruing to women. The fight for the Equal Rights Amendment is forging a new solidarity among women that fosters self-confidence and the courage to use rights already theirs but not claimed because of fears.

Women of all ages and political persuasion, all occupations, black and white, union women and business women, housewives and working women, have worked together with men to secure passage of the Equal Rights Amendment in the House of Representatives.

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Hearings on Equal Rights Amendment before Subcommittee on Constitutional Amendments of the Senate Judiciary Committee, May 5, 6, and 7, 1970. Not yet published; write Subcommittee, U.S. Senate, Washington, D.C. 20510.

Susan Deller Ross, "Sex Discrimination and 'Protective' Labor Legislation," single copies available from Citizens' Advisory Council on the Status of Women.

The Report of the President's Task Force on Women's Rights and Responsibilities, *A Matter of Simple Justice*, April 1970. Single copies available from the Citizens' Advisory Council on the Status of Women.

National Conference of Commissioners on Uniform State Laws, "Uniform Marriage and Divorce Act", 1155 East 60th Street, Chicago, Illinois 60637, August 14, 1970.

Speech by Senator Marlow Cook on August 25, 1970, in the CONGRESSIONAL RECORD, page 29996.

August 28, 1970.

A JOURNALIST'S COMMENT ON SOCIAL SECURITY

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. GROVER. Mr. Speaker, the built-in shortcomings of our Social Security System have been a cause of deep concern to me and many of my colleagues. They represent an actuarial and social time bomb which may blow up the system upon which so many of our retired Americans are dependent.

The following article by publisher-journalist Ira L. Cahn of Massapequa, N.Y., is as startling as the problem is serious:

BEHIND THE NEWS

Who's the biggest "labor racketeer" in the country? It's an organization that demands a 50% kickback for the privilege of working! (In fact, under certain conditions, the outfit demands 100% of the workers' earnings.) Ordinarily, the district attorney's office and the F.B.I. would have a team of investigators working on such a case, especially since this kickback is demanded only from senior citizens.

However, it's all perfectly legal because the "racketeer" in this instance is Uncle Sam in the guise of the Social Security program!

I guess I have always known that retirees receiving social security benefits had some sort of limitation to their earnings and it has always bothered me a bit. This week, however, the situation was dramatically brought home to me. We had a fine older citizen working a few hours a day as a porter. He had worked in a similar capacity before he retired and needed a few bucks a week to pad out his S.S. income.

By working a few hours a day, he got some much needed money, he retained his self-respect by having a job to go to each morning, and he performed a much-needed function for us . . . Everybody was happy.

Last week his total earnings went over the \$1,680 mark. He quit! Why?

It seems that his social security payments are subject to a deduction of 50¢ for each \$1 he earns between \$1,680 and \$2,880—and 100% deduction for all that he earns over \$2,880!

In other words, what Uncle Sam is saying is "If you want to work—or have to work because you can't live on social security—you must kickback to the federal government half of what you earn."

According to the social security law, a man who retires today under the social security program can receive a maximum of \$2,280 per year in benefits. He is also allowed to earn not over \$1,680 without penalty. This gives him a maximum income of \$3,960.

Remember, social security is not a "hand-out" under some welfare program. This is money that the employee and his employer have paid into a fund with no matching government money.

Incidentally, to show the further inequity of the social security program, only "earned income" wages are subject to the kickback to Uncle Sam. If the retiree has plenty of

money coming in from investments, pensions or other sources, then he can collect his full social security benefits (people like Rockefeller or Ottinger or Ford, for example) but if the poor guy has to work for a buck, it gets taken away from him.

I spoke to Congressman James Grover, who represents part of the Massapequa area, about this before I wrote this column. He told me that he thinks the social security program is the world's worst investment "bargain."

Jim introduced legislation several years ago that would have eliminated the restrictions I have discussed in this column. To his frustration, the House Ways and Means Committee let it die because the government actuaries said that the whole program depends on certain people NOT collecting their benefits. If everyone got all the social security money he was entitled to, Jim was told, the social security tax would become prohibitive.

That's a heck of a way to fund a program. To deliberately set up a funding method that depends on cheating people out of what they have a right to depend on is about as immoral as anything I can imagine. When this philosophy is propounded by the federal government it becomes absolutely shocking.

The aim of the Rooseveltian New Deal was to get the older person out of the labor market in order to make room for the younger person on the way up the ladder. That is an anachronism in today's economic society and belongs in the same file as the Malthusian Theory and wampum.

I don't claim to have the answers to all this. I do charge, however, that the social security program, as presently set up, is dishonest, discriminatory, immoral and destructive of initiative.

Something should be done about it and the sooner the better because it will get worse as more and more people reach retirement age. Either it should be modernized to meet today's conditions or it should be scrapped in favor of some other, more effective program.

NOW LET'S GET WITH BUILDING PEACE

HON. CHARLOTTE T. REID

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mrs. REID of Illinois. Mr. Speaker, now that the debate to restrict the President's prerogatives as Commander in Chief is over, the New Orleans Times Picayune editorializes, "Now Let's Get with Building Peace."

Specifically the Times Picayune comments on the success of Mr. Nixon's Vietnamization program. It states that according to the most impartial reports from Vietnam, the President's plan to turn the conduct of the war over to the South Vietnamese is working. The most recent progress in the program is the turning over of U.S. Air Force helicopter gunships to South Vietnamese forces.

As we are all interested in the progress of Vietnamization, I include this editorial in the RECORD:

With the thumping downfall in the United States Senate of the "Amendment to End the War," doves should at last yield both to majority national sentiment and to the decisive 55-39 conviction in the Senate that America should pull together to help the President pursue his succeeding policy in Vietnam.

High-minded rationalizations abounded for the Hatfield-McGovern proposition, but

senators seeking to end the war by legislative fiat were, in effect, attempting to usurp the power of commander-in-chief in a very real though undeclared war—in part a Frankenstein creation of Congress itself inherited by President Nixon.

Now let's get on with building for peace—which would not be possible by telegraphing to the Communists the whimpering message that, no matter what they do militarily or at the so-called Paris peace talks, American troops will have hightailed it out of Vietnam by the end of 1971.

Pulling together does not mean that dyspeptic doves should act or sound like hawks. Indeed, we imagine that for some the potential depths of their disappointment, matched by the heights of their self-righteousness, would hardly yield to even a low-keyed support of President Nixon's way of ending American military action in Southeast Asia.

That way is Vietnamization. Most impartial reports out of Vietnam seem to be showing that the Nixon plan to turn the conduct of the war over to the South Vietnamese is working.

Today the U.S. Air Force air gunships, the important helicopters which support Vietnamese ground troops and attack enemy forces, are scheduled to be turned over to the home defenders. This week it was also announced that two brigades which helped defend Saigon during the Reds' 1968 Tet offensive are included in the fourth phase of President Nixon's withdrawal program, which will reduce American troop strength to 284,000 by mid-October.

President Thieu and the Saigon government fully realize that America expects their countrymen to wage their own fight to be free, and the South Vietnamese are mustering the will and manpower to turn back the menacing waves of Communist invaders.

As South Vietnam grows stronger—and if raucous Senate doves can desist from tugging against President Nixon's policies and their false encouragements of Hanoi—the Communists may yet opt for peace.

REMARKS OF RICHARD L. OTTINGER ON INTRODUCTION OF THREE AUTOMOBILE INSURANCE BILLS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1970

Mr. OTTINGER. Mr. Speaker, I am today sponsoring legislation identical to measures introduced in the Senate by PHILIP A. HART, the distinguished chairman of the Senate Antitrust and Monopoly Subcommittee.

This legislation is designed to eliminate the current no-fault automobile insurance system in use today. The present archaic system will pay the bills caused by personal injury and death only if the driver of the car is totally free from blame for the accident, except in a few States which have comparative negligence laws. However, automobile insurance is an interstate problem and a major problem to millions of consumers—policyholders and claimants alike. The faultfinding process touches off complaints of cancellation, unavailability, high costs, and unfair practices. In New York State, the assigned risk plan was investigated. The need for reform—nationwide—became apparent.

With millions of drivers at the wheels, automobile insurers have employed various methods to control their costs, standardize their underwriting procedures, and identify "bad" risks. Some of these methods—refusal to write, cancellation, nonrenewal, and steep increases in policies—have proven discriminatory. Under the fault insurance system these methods of controlling the cost of doing business have resulted in unfair apportionment of benefits and inflated prices of insurance.

The New York City Commission on Human Rights stated in its 1968 report that the State's assigned risk plan "is overpopulated with blacks and Puerto Ricans." Questions were posed to show that the assigned risk plan is specifically designed for nonwhite areas, and "that at any given time after the initiation of this plan, an investigation would disclose that this scheme further oppresses an already overtaxed and overburdened people."

Despite insurance company claims that such factors as age, sex, and occupation are valid criteria for identifying individual "bad" drivers, a recent Department of Transportation study claims that—

Although such factors could be used to distinguish groups of drivers with significantly different accident rates, they were not reliable in predicting whether or not particular individuals would be involved in accidents.

Mr. Speaker, the Uniform Motor Vehicles Act I am introducing today is designed to prevent companies from designating various occupations, age groups, and sections of cities which exclude potential purchasers of their insurance policies. It prohibits companies from canceling, failing to renew, or rejecting coverage to any individual with a valid driver's license who pays the premium. Companies could no longer refuse to write policies if the foregoing requirements were met. The assigned risk plan would be eliminated. The only grounds for refusal or cancellation would be the loss of a driver's license or nonpayment of a premium. The Uniform Motor Vehicles Act would reduce the premiums covering injury to people and would also increase compensation to accident victims.

In 10 years the cost of automobile insurance rose 65 percent. The practice of handling each automobile insurance applicant on an individual basis is one of the reasons for the high charges. Selling accident and health insurance on a group basis—treating all members equally—has cut the selling price. However, 36 of the States prohibit by law or regulation the selling of auto insurance—and other forms of property and liability insurance—in this manner. A companion measure I am introducing simultaneously, the Property and Liability Group Insurance Act, removes this prohibition and allows group auto insurance.

To encourage group auto insurance sales, by allowing employees to get the same tax benefits from employers' contribution to automobile insurance plans as they get with group accident and health plans, I am introducing another

insurance bill to amend the Internal Revenue Code to allow group property and liability insurance the same treatment as group accident and health insurance.

Each of the foregoing bills is designed to assist the industry in reforming the present system and provide the protection the consuming public so urgently wants and needs. These bills are an outgrowth of a 3-year study of auto insurance by Senator HART's subcommittee.

With the introduction of this legislation, an address I gave in 1967, "The Auto Insurance Crisis: A Better Way," takes on new meaning. Hopefully the proposals I advocated on this subject 3 years ago will gain widespread support and win approval in the 92d Congress. I append my 1967 speech to clarify my longstanding concern in this area.

The material follows:

THE AUTO INSURANCE CRISIS: A BETTER WAY (By RICHARD L. OTTINGER)

The insurance industry was once, somewhat unfairly, defined as the business of betting against yourself.

The general public today is far too sophisticated to take that point of view about most forms of insurance. They know that life insurance is a very sound investment. They appreciate that other types of insurance, such as homeowners, are reasonable and prudent expenditures for self-protection.

But with auto insurance, the situation is very different. Most people outside the industry regard auto insurance as a sort of gigantic national crap game where everybody loses.

Now, you who are intimately aware of the very real complexities and problems of this difficult business may well feel aggrieved that auto insurance should be such a whipping boy. You know how many of the problems are thrust upon the industry by circumstances beyond their control—you are probably more aware than anyone else since it's you who get the complaints. The aggrieved auto-owner doesn't yell at the company, he yells at you.

On the one hand, the market you serve has all the elements of a madhouse. There are well over 100 million licensed drivers rolling up more than 935 billion miles each year in some 96 million registered vehicles—all in widely varying conditions of disrepair.

AUTO BECOMES WEAPON

Furthermore, Public Health Service studies indicate that there's something about the automobile that magnifies personality defects in individuals. Put the domestic Mr. Milktoast behind the wheel of a 300-horsepower car and suddenly you discover a latent and indiscriminately homicidal James Bond. Otherwise reasonable teenagers are turned into Barney Oldfields with a steering wheel in their hands.

In Vietnam we have, to date, sustained 14,000 killed, 88,502 wounded and 784 missing in action. And this sparked a national protest that produced riots in the streets! Yet we annually kill 53,000 and injure 3.7 million on our highways. Edwin Markham summed it up pretty well when he defined the automobile as a device that is rapidly dividing the nation into two classes: the quick and the dead.

To compound matters, Detroit apparently designs cars specifically to make repair either prohibitively expensive or impossible. A swelling auto repair industry seems to exist largely to increase your costs. Spiraling medical expenses and the complexities of court action all seem to conspire to make your business unprofitable, if not impossible.

CANCELLATION PARADOX

On top of everything else, if you insure everyone, including the seven per cent "lunatic fringe," everybody's rates soar. But, if you cancel a policy, you are accused of depriving the driver of his God-given right to drive.

You must at times feel like the insurance agent who was selling a fire insurance policy to a very determined matron. After he outlined the policy and the benefits, she said suspiciously, "Now let me get this straight: I pay you \$5; you'll pay me \$1,000 when my house burns down—and there aren't any conditions?" "Well," he replied, laughing, "we won't pay if you burn down the house deliberately." The woman snorted, "Just like all insurance companies! Always some gimmick to get out of paying!"

Seriously, I know that you are all aware of these problems regarding auto insurance. I have only touched on them to indicate that there is a wider understanding of the underlying causes of the auto insurance crisis than you might have expected and no responsible legislator blames the industry for the situation.

But the fact that we don't accuse the industry of creating the problem doesn't mean that we aren't critical of the failure of industry efforts to resolve it.

INDUSTRY DOING POOR JOB

The House Judiciary Committee staff summed up the situation succinctly in the well-documented report issued just this month. It said:

"By any objective standard, the performance of the automobile insurance business in the United States is unsatisfactory. The system is slow and expensive and the companies involved do a poor job."

That's a harsh verdict, perhaps too harsh, but it is the considered judgment of some very skilled researchers after an exhaustive study and I believe that it represents the opinion held by a growing number of Americans.

Let's take a look at what they see.

During the five year period from 1960 through 1965, the average cost of living as represented by the Consumer Price Index, increased less than nine per cent. Auto insurance costs, on the other hand, increased an average of 30 per cent, more than three times as much. Actually, as you well know, increases in specific classes and types of insurance were much greater. From 1960 to 1966, premiums for the average 10/20/5 coverage jumped 54 per cent in Trenton, New Jersey, and 109 per cent in Lansing, Michigan, for example, and still rates are going up.

In spite of this, the insurance companies complain of "underwriting losses" of well over \$300 million.

Now insurance companies are not, and were never intended to be, charitable organizations and there is something very wrong with a situation in which they rack up such staggering losses while the price of their product goes up faster than any other product on the market.

FAILS TO MEET PUBLIC'S NEEDS

But cost isn't the only problem.

If you consider what most people believe to be the purpose for insurance, there appear to be some very serious defects in the way the present system operates.

In general, people expect insurance to provide full and rapid compensation for losses they sustain. Delay in reimbursement is often reimbursement denied. A survey in depth of 86,000 persons in Michigan who suffered economic loss as a result of an accident, showed that 63 per cent received no compensation from the insurance company. Of the 37 per cent who did, almost three-fourths received less than the apparent real loss they experienced, not the loss claimed, mind you, but the apparent real loss. It's important to note that this relates to lia-

bility claims only. As far as collision coverage goes, there appears to be very little problem.

Even this relatively poor performance is exorbitantly expensive. The Judiciary Committee report estimated that for every dollar paid into the hand of injury victims, policy holders and taxpayers lay out \$2.20. This doesn't include the costs where there is no recovery! By contrast, Blue Shield, which is certainly not the most efficient operation possible, spends only \$1.07 for each dollar of benefit paid out.

DELAY CLOGS COURTS

Furthermore, if the claimant finally does wrest a judgment out of the system, it may be years after the loss is experienced. As we are going now, quite aside from the question of reimbursement, negligence cases are threatening to overwhelm our judicial system. In some areas the negligence backlog now runs three to five years and interferes with other judicial business, often with disastrous social consequences—and this alone justifies corrective action.

Now finally we come to the vexing issue of refusal, non-renewal and cancellation. Statistically, cancellation is involved in a very small part of the insurance market, less than two per cent of all policies, according to the Judiciary Committee's study. Non-renewals, while more common than cancellations, are still not as big a problem as the volume of complaints might indicate. But whether or not these issues are important statistically, they are the single biggest source of the industry's problems. The Judiciary Committee's investigation was sparked by constituent complaints regarding cancellation. Public demand has forced the Senate Commerce Committee to schedule hearings on this particular problem and the Justice Department and Federal Trade Commission, although excluded from regulatory action by the McCarran-Ferguson Act of 1944, are showing more than routine interest in the area.

A RIGHT OR A PRIVILEGE?

These issues have an importance that extends far beyond their significance as a public relations issue. They go to the heart of the paradox unique to your industry. Is auto insurance a right of the driver and an obligation on the company or is it a privilege to be earned?

When the present insurance system was formed, this was much less important. There were vastly fewer cars on the road, disproportionately fewer accidents and the cost was much less. Furthermore, the car was not as absolutely vital in the economic life of the nation as it is today.

But now, a whole new culture has grown up. Entire economic complexes depend upon the automobile. Salesmen, doctors, even clerks and service people—approximately 85 per cent of our total work force—must use a car to some extent to get to jobs or earn a living. Because of inadequate public transportation, virtually all industry in Westchester is dependent on the automobile.

We can't reasonably deny people access to their jobs without serious economic dislocation and cars are now the only way they can get there. And it is simply no longer feasible to allow people on the road without providing compensation for damage they may suffer or inflict.

The insurance companies point out, quite correctly, that under the existing system, they are selling the driver protection from claims that may be brought against him. They are, in essence, betting on his skill and his dependability. If they accept everybody, regardless of skill, they are either inflicting higher rates on good drivers for costs bad drivers incur, or they become charitable operations.

INSURERS NOT POLICEMAN

They also say that they shouldn't be asked to take over the police function of determin-

ing who should drive and who shouldn't. That is a public responsibility.

I might say that, granted the present system of negligence law and liability insurance, there's no question that these are valid arguments.

However, I think that all the changes I have been talking about have changed the rules of the game. Compulsory insurance and financial responsibility laws demonstrate a general belief that the public must be protected against everybody who drives. Furthermore, compulsory insurance laws have the effect of giving the insurance company unwanted police power and denying the individual due process. In Massachusetts, New York and North Carolina, if you lose your insurance, you lose the right to drive and you have no right of appeal. Financial responsibility laws have the same general effect, although they involve a bizarre sort of motorized Russian roulette which, as a matter of policy, waits until the horse is stolen before it locks the barn door.

Compulsory insurance won't work and voluntary insurance isn't enough; what can we do?

I think the very first thing is to do away with the present negligence system of handling auto liability cases altogether and substitute a system providing for full aid regardless of fault or negligence.

DISPENSE WITH "FAULT"

Simply stated, each policy would insure the owner, driver, passenger and any victims not in any other vehicle involved in the accident (who, of course, would be covered by the mandatory policy covering that vehicle). It would pay for the actual cost of repair or replacement of the car and property damaged by the car; for medical treatment and loss of income for its occupants and individuals injured—but not for another vehicle or people in another vehicle. Disputes would be resolved by special boards set up in each state under the supervision of the State insurance departments. Appeal to the courts from the decision of the board would be permitted but only as to whether true costs were fully reimbursed. This would do away entirely with the complexity, delays and expense of the present negligence system. It would also relieve the insurers of the burden of defending capricious suits.

Since liability is not involved, the insurance company action against negligent drivers would not be through cancellation but through appeal to the board or the courts to have the driver's mandatory insurance, his license, and perhaps the registration of the vehicle lifted. This would assure the driver due process and take the bear off your backs for explaining why a company has withdrawn coverage.

Rates would continue to be set by the competitive market under the jurisdiction of the state insurance department.

Classes of risks could still be established according to actuarial tables and companies could have the full range of competitive choice that they have today. For risks that the State will license, but the insurers do not wish to insure, the assigned risk system would still operate, but there would be no maximum limit of coverage since reimbursement is for full expenses.

FREE MARKET PRESERVED

In addition, all states would be required to maintain a pool of funds to provide reimbursement for individuals who are injured or who sustain property damage in hit-and-run accidents or by a vehicle which, by some fluke, is not covered. This fund would be supported by a surcharge on each premium under the mandatory system.

The company could also provide additional voluntary coverage against loss, such as for those who have unusually high incomes, or who would sustain disproportionate loss from an incapacitating injury.

Although the philosophy of insurance would be radically altered, the basic oper-

SEPTEMBER 15, 1970.

ation—the relation between agent and client—would not be changed at all. The policies would still need to be sold and serviced, reimbursements would have to be paid, only in this case the agent wouldn't be in the position of being a villain who has to present a client with less than he thought his due or notifying him of cancellation.

The one important element that is missing in this proposal—and signally missing in the present system—is a way to assure fair and equal treatment for all drivers from all states and for drivers from overseas.

Right now you can pay compulsory liability until you are blue in the face and if you get hit by an uninsured motorist from out of town, you're pretty much out of luck. Such uninsured motorists funds as do exist are generally inadequate.

Furthermore, the public doesn't have any protection against the fly-by-night companies, often the high risk insurers, that become insolvent.

NATIONAL COMMISSION NEEDED

I propose, therefore, to establish a National Insurance Commission which would have responsibility for three things.

First, it would have the authority to see that each state complied with the new concept, established the minimum standard as required of all other states and set up the Evaluating Board.

Second, the Commission would require purchase of insurance as a condition of entry of a motor vehicle into the country.

Third, it would operate the Federal Auto Guarantee Insurance Corporation like the FDIC to protect the consumer and the industry from insurance company failures and to provide a check on adequacy of rates and reserves.

Perhaps the most important function of the Commission would be to restore some order to the present chaotic situation where the industry is forced to deal with 50 different sets of regulatory laws, 50 different regulatory philosophies and countless different negligence laws in various jurisdictions. In the past, perhaps, there was some merit to this kind of fragmentation, at least for the companies, since in the very variety one may also find opportunity.

But that isn't true anymore.

LET THE SELLER BEWARE

We are entering into a new era, the era of the consumer. The old principle caveat emptor is being replaced by caveat vendor. The hot eye of the regulator is being turned on all consumer industries. Those that voluntarily support programs to rectify old wrongs and to adjust will preserve the greatest degree of operating integrity.

The insurance industry has a unique distinction. It is the only major industry in interstate commerce that is now specifically exempted from Federal regulation. I don't think there is much chance of the auto insurance industry preserving that situation for long but there is a very good chance that the industry, you, as its agents—and the general public—can all benefit from the change if only the industry's representatives will back constructive programs of revision. I wish you luck.

INCREASING SUPPORT FOR OCCUPATIONAL SAFETY AND HEALTH ACT

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. DANIELS of New Jersey. Mr. Speaker, in a continuing effort to im-

press upon this body the urgent need for occupational safety and health legislation, I call to my colleagues' attention a letter strongly endorsing H.R. 16785, which is now pending before the Rules Committee. In their statement, the Tuberculosis-Respiratory Disease Association of New Jersey documents occupational health hazards as being common causes of direct damage to the human respiratory system. This unfortunate fact demonstrates the widespread and detrimental effects that unsafe and unhealthy working conditions may have on a worker's health and welfare. These conditions can eventually make a worker unfit for his job, thereby robbing him of both his health and his livelihood.

When H.R. 16785 comes to the floor for a vote, I ask the distinguished members of this House to give approval to this bill so that we may preserve this Nation's most precious resource: its working men and women. The text of the letter follows:

TUBERCULOSIS-RESPIRATORY
DISEASE ASSOCIATION OF
NEW JERSEY,
September 4, 1970.

HON. DOMINICK V. DANIELS,
Cannon House Office Building,
Washington, D.C.

DEAR SIR: The TB-RD Association of New Jersey, representing over 425,000 contributors, would like to commend you for your introduction of the Occupational Safety and Health Act—H.R. 16785.

We support your efforts to create a Federal program for setting and enforcing standards to assure healthful working conditions. This legislation is particularly relevant to the interests of TB-RD associations since a significant number of occupational hazards directly damage the respiratory system.

A strong nationally administered occupational safety and health program is essential to reduce the toll of disability and waste of human life caused by hazardous conditions of employment.

We have asked for your support of legislation in the past and are most happy to support you in sponsoring H.R. 16785.

Sincerely yours,

AUGUSTA B. KING,
Managing Director.

HOW TO LOWER INTEREST RATES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. CRANE. Mr. Speaker, on September 9, the distinguished gentleman from Texas (Mr. PATMAN) addressed a letter to Mr. David Rockefeller, chairman of the Chase Manhattan Bank, in which he alleged that major banks went on "an unnecessary and highly unfortunate interest rate binge" after the 1968 elections and urges that a rollback of the prime lending rate to 6 percent be instituted.

A copy of Mr. Rockefeller's reply to my good friend from Texas has been received, and because I believe it will be of interest to all readers of the CONGRESSIONAL RECORD, I insert it in the RECORD at this point.

HON. WRIGHT PATMAN,
Chairman, House Banking and Currency
Committee, Rayburn Building, Wash-
ington, D.C.

DEAR CHAIRMAN PATMAN: Like yourself I would welcome a further easing of inflationary pressures which would permit the lower interest rates that you and I and the country as a whole so earnestly wish for.

If wishing could make it so, the level of interest rates would already be down to the 6 percent figure you envisage.

But surely, Mr. Chairman, from your years of experience in handling financial and economic legislation on Capitol Hill, you more than anyone realize that interest rates are determined—as are other prices in a free-market economy—by the law of supply and demand.

Commercial banks such as Chase Manhattan are not free to charge as they please or to charge what the traffic will bear.

Aside from the fact that interest rates are influenced by national fiscal and monetary policies, strong competition from other banks as well as from other sources of credit provides commercial bank customers with many alternatives.

The bond market, the commercial paper market, and other financial intermediaries all provide credit in competition with domestic banks. Of growing importance in recent years, foreign sources have provided a number of U.S. companies with financing alternatives of both a short and longer term nature.

It is the interplay of rates in all these markets, domestic and foreign, which establishes the range within which banks charge their commercial customers on a competitive basis.

I realize you find this hard to believe, but bankers do not like high interest rates and tight money any more than you do.

And with good reason. Lending money is our main business. During periods of tight money, we have to turn away customers and that's usually not a wise business policy.

Over the past year-and-a-half, our own bank alone has turned away more than \$3 billion in loans that we would ordinarily have made if it had not been for our voluntary credit restraint program in support of the government's anti-inflation campaign.

High interest rates mean that banks must pay more for the money they borrow to lend out to their customers, so earnings come under increasing pressure. This pressure has been reflected at Chase Manhattan where we had lower earnings in 1969 than in the previous year, and lower earnings in the first half of 1970 than in the corresponding period last year.

High interest rates also mean a reduced market value for bonds and other fixed income securities. Banks have sold off some of these securities at a loss, and have substantial paper losses in their bond portfolios.

Several points in your letter call for the most direct and emphatic response.

You imply that Chase Manhattan has frequently been a leader in raising the prime rate. The fact is that since 1967, we led the reduction in the prime rate on two of the three occasions when rates were reduced, and were the lead bank on only one of seven occasions when rates were increased.

You further imply that the banking community, in private meetings, periodically reviews interest rates. I myself have never participated in private meetings such as you describe, nor am I aware that any such meetings take place.

You also imply that bankers allow election-year considerations to affect their banking decisions. This certainly is not the case at Chase Manhattan, and I cannot imagine that such thinking would have a part in the management of any reputable bank.

You say I could do the nation a "great

service" by moving immediately to reduce the prime rate to 6%.

I would respectfully suggest, Mr. Chairman, that you could do the nation an even greater service by using the prestige of your position as head of the House Committee on Banking and Currency to encourage sound economic and fiscal policies.

I am sure that all bankers, businessmen and consumers would welcome your leadership in helping to control the Federal Government expenditures that have contributed so largely to the inflationary pressures now plaguing our national economy.

Sincerely,

DAVID ROCKEFELLER.

LAW AND ORDER

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. BURTON of Utah. Mr. Speaker, I cannot recall a time in American history when there has been more widespread concern among the citizens over law and order.

We have seen, in the last few short years, an upsurge of crime and violence that has inundated many of our campuses and made jungles of some of our cities.

We have a sickness in our land, and only a cursory examination of the crime statistics of the Nation demonstrates the scope of the epidemic.

We have witnessed—and are still witnessing—a breakdown in our national respect for law and order and for the men and institutions whose functions it is to see that law and order prevails.

The symptoms of our national sickness are everywhere and are, or have been, the subject of endless studies and countless reports.

We can suppress rioting, we can wage war on poverty, we can seek the root causes of campus unrest in efforts to prevent campus violence, we can study various methods of fighting crime and strengthening the hands of those who do, but these steps alone will not solve the problems.

I am more firmly convinced now than ever before that until we rebuild national faith in our system, until we can restore respect for law and order and—even more important—until we can restore public confidence in the people who enforce our laws and administer our justice, we will not succeed in eradicating the symptoms of our sickness.

Time is no longer on our side in efforts to halt the soaring rate of crime, the growing disregard for the rights of others, the mounting discontent of our citizens, young and old alike.

Let me give you a few statistics.

Since 1960, crime has increased by 88 percent. Our population rise has been less than 15 percent.

Last year, \$5 billion worth of property was destroyed as the result of crime.

Juvenile delinquency in the Nation has risen 78 percent since 1960.

This year, one out of 50 citizens will be the victim of crime. This is a grim statistic in a nation of over 200 million people.

One area of breakdown in law and order has been the widespread feeling

that the courts are not doing the best job in prosecution of accused criminals. That is one area only.

Another area of concern is that respect for the law enforcement officer has been lost, that they have somehow been degraded—not only in the minds of those who commit the crimes, but in the thoughts of those of us who sincerely long for a restoration of peace, justice, law and order in our communities.

Our society today faces ever-increasing challenges of urbanization and its attendant problems, of increased technology which contributes greatly to our well-being but also results in loss of jobs for many people, of racial discrimination and the ghetto, of the distance Government has grown away from the people. We—individually and collectively—have hesitated to firmly face these challenges. We have looked, instead, for scapegoats. And we have found them—each has found his own, in fact.

To some, the scapegoats are permissive parents. To others, rebellious youth draws the pointing finger of accusation.

Our social system is attacked. And, from almost every side, citizens look upon those who administer justice and attempt to enforce the laws and say, "These are the ones who are to blame."

How do we turn this around? Whom do we really blame? Where do we go from here?

First, we must reestablish a consensus which recognizes the legitimate authority of the law enforcement officer.

Second, there must be a conscious effort at the local, State, and national level to bolster the fight against lawlessness and disregard of constitutional processes.

Third, we must look for solutions to the social problems which spawn crime—but which cannot provide solutions until the citizens as a whole change their attitude with regard to the first two points.

In each instance, the effort begins with the individual citizen.

I have serious misgivings about the ability of people to make progress toward achieving law and order when most of us become irate over such insignificant matters as being ticketed for overtime parking.

The fight against crime will cost money. But it will also cost each of us in terms of individual commitment—how much we personally will put into the fight.

I would like to commend to the attention of my colleagues a very thoughtful editorial in the September 6 Los Angeles Times on this subject. The editorial follows:

CURING THE MADNESS WITHIN

A fatal bombing at a great university; a riot in East Los Angeles, and the death of a respected reporter; bombings of police stations; murders and attempted murders of policemen from New York to San Francisco. Thus the violence of our times continues.

And thus Vice President Agnew expressed what many people are thinking when he said last week that "confronted with a choice, the American people would choose the policeman's truncheon over the anarchist's bomb."

That is undoubtedly true. But it is a frightening choice. We must not reach the point of making that choice. And we need not reach it.

The inability of this country to deal coherently with its current domestic turmoil has come in part from the widespread habit of selective indignation.

That habit is most evident when people talk about relations between the citizens and the law-enforcement authorities.

On the one hand, those who experience the indifference or hostility of the police may tend to respond to the murder of a policeman with indifference, at best. On the other hand, those who fear social turmoil the most may tend to respond with indifference, at best, to breaches of lawful conduct by the law-enforcement agencies themselves.

These tendencies spread throughout society.

A respected university president absurdly doubts the ability of the American judicial system to try a Black Panther fairly. Mayors and police chiefs tend to see the Los Angeles riots solely in terms of outside agitators.

In the dwindling but vocal left, injustice becomes the excuse for violence. In the growing right, violence becomes the excuse for injustice. Politicians bend with the prevailing winds.

Too few community leaders and too few elected officials express what common sense would tell them; that murder is always murder and always and in every case dreadful; that there is never any excuse or reason for civil violence; that unlawful practices by law-enforcement agencies always undermine the foundations of a lawful and peaceful society.

It would be the beginning of social wisdom if every citizen, every student and teacher, every leader of every minority group, every police chief, every mayor, every elected official from the President down, were to repeat and repeat these precepts of common sense until they become the common opinion.

For these precepts are the only basis on which true law and true order can be maintained. On them both private citizens and public authorities can build a coherent and intelligent approach to the actions that must be taken if we would avoid the terrible choice outlined by Agnew.

In simple terms, we urgently need support of the police by the community, and support for the community by the police.

The policeman feels abandoned by the society which asks so much of him. He is often poorly paid. His profession ranks too low on society's contrived status ladder. He is often reviled by people he is supposed to protect.

He frequently has good reason to fear for his life.

Many citizens are afraid of the police, who seem to them enforcers of someone else's laws. To them the policeman seems careless of their rights. It appears to them that there is a double standard of justice.

Each attitude feeds the other. Suspicion and hatred increase. Violence comes more readily.

It is clear beyond dispute that everyone who might be thought anti-police—whether students, members of minority groups, intellectuals, common citizens or politicians—ought to reflect on the facts of modern life, and having reflected, give the police the kind of support they must have. This support requires respect for a necessary, dangerous and honorable profession; and public appropriations for salary, manpower and equipment.

It is equally clear that the police, their departmental commanders and the elected officials who are ultimately responsible, must take infinite pains to enforce the law evenhandedly, in such a way that everyone recognizes that the enforcement is fair.

For it seems to us quite plain that violence, some of it deliberately provoked by revolutionary attitudes, is going to continue. Until the whole country pulls itself together into a common-sense approach to civil disorder, the grim alternative of which the Vice Presi-

dent spoke will remain on the horizon as a warning of things to come.

PAINE'S ROLE IN DISPUTED \$50 MILLION NASA CONTRACT

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. GROSS. Mr. Speaker, the following account by Mr. Clark Mollenhoff, one of the Nation's top investigative reporters, of how Thomas Paine, former Administrator of the National Aeronautics and Space Administration, tried to award a \$50 million contract and was blocked in his efforts, provides reading that is indeed interesting.

Paine awarded the huge contract to General Electric for whom he had worked for 19 years before becoming the directing head of NASA, but a seven-man NASA evaluation committee reversed Paine's decision and the contract went to the Fairchild Hiller Corp.

When the question of conflict of interest was raised in this deal, Paine insisted he had severed all relations with General Electric and had no intention of returning. But when his award was overturned and the contract went to Fairchild Hiller, Paine quit NASA to accept a vice presidency at General Electric.

Mr. Speaker, too often has public attention been distracted from the spending of millions and billions of dollars by a dramatic event such as landing a man on the moon. In this day of financial crisis there is a desperate need for close scrutiny by Congress, the General Accounting Office, and every agency and department of Government as to how the dollars are being spent, and any official who plays fast and loose with the taxpayer's funds ought to be promptly fired and prosecuted.

The following article appeared in the Chicago Sun-Times of September 13, 1970:

PAINE'S ROLE IN DISPUTED \$50 MILLION NASA CONTRACT

(By Clark Mollenhoff)

WASHINGTON.—In a day of lunar missions and \$200-billion federal budgets, it is often difficult to get public attention focused on the details of a little \$50-million procurement matter at the National Aeronautics and Space Administration.

NASA publicists are geared to keep public attention on the big picture—the moon and the role of the United States in space in the year 2000. However, it is equally important to remember that strict compliance with procurement or inspection standards is vital to all government programs. A flaw at any stage can mean taxpayers are nicked for additional millions or billions of dollars. It can mean tragedy to the astronauts, and the difference between success and failure of a space mission.

In judging the over-all performance of the retiring NASA administrator, Thomas Paine, it is as important to examine his role in awarding a \$50-million satellite contract to General Electric as it is to recall that he headed NASA when the United States put a man on the moon.

On Sept. 5, NASA reversed Paine and switched the \$50-million contract for two ex-

perimental communications satellites from General Electric to Fairchild Hiller. That unanimous decision by a three-man NASA committee followed the unanimous recommendations of a seven-man blue-ribbon evaluation group headed by Bruce T. Lundin, director of NASA's Lewis Research Center in Cleveland.

CONFLICT QUESTION RAISED

Paine, for 19 years an employee of General Electric, took a full role in the contract award to General Electric last April 8. He fought officials of Fairchild Hiller who challenged the decision, and, when the question of "conflict of interest" was raised, he declared he had severed his relationships with General Electric and had no intention of returning.

Paine criticized the Government Accounting Office recommendation that the satellite contract be reconsidered and he criticized members of the Senate and House who backed the Fairchild Hiller challenge to his decision. Significantly, Paine will become a vice president of General Electric when he leaves NASA this week.

There is no contention that Paine did anything illegal, but his record on this contract represented endorsement of procedures that GAO found "irregular, deficient and inconsistent." Some would probably use stronger terms for the actions of Paine.

In February, 1970, when Fairchild Hiller seemed likely to win the ATS satellite competition on price and technical performance, Paine approved orders for a stretch-out of the program because of budget cuts. It gave General Electric another chance.

Fairchild Hiller was forced to meet a Feb. 27, 1970, deadline for submission of bids under threat of disqualification, but General Electric was given an additional week, until March 6, to complete its cost submissions. NASA's Goddard Space Center distributed Fairchild Hiller's proposal to evaluators before the General Electric proposal was received. It was done over the warnings of Fairchild officials that they feared a leak. Paine approved and defended this.

In a lawsuit filed in connection with the original GE award, Fairchild Hiller claimed results of its original research work on the satellite appeared in the GE technical data submitted with the bid.

COMPLAINTS PROMPT INQUIRIES

Despite long association with General Electric, Paine took a full role in the contract decision. He was senior NASA man on a three-member panel that unanimously voted for General Electric.

Complaints of improprieties and irregularities in procedures resulted in investigations by GAO and the McClellan Permanent Investigating subcommittee, but Paine defended the award as proper and fair. As the GAO probe went forward, Paine cut off the developmental funds to Fairchild Hiller on April 16, but agreed to funding of General Electric through July.

Paine rejected Fairchild Hiller's demands for access to contract documents containing evaluation information. Paine continued to withhold this information from Fairchild Hiller even as Rep. J. Glenn Beall Jr. (R-Md.) declared it should have been available to the public under the Freedom of Information Act, and blasted NASA procedures as unfair.

Paine made erroneous reports to the White House on his role and the NASA procedures. As late as June 19, Paine told Fairchild Hiller officials and NASA officials he had severed all ties with General Electric and had no intention of returning to that firm.

In the face of serious criticism, Paine established a blue ribbon review committee made up of his subordinates at NASA.

Fairchild Hiller counsel John F. Dealy emphasized the problem of convincing Paine's subordinates they should overrule him. As

the Lundin committee was considering that issue on July 28, it was announced that Paine would return to General Electric.

The seven-member Lundin committee ruled Paine's decision should be reversed. The committee agreed with GAO on the irregularities, deficiencies and inconsistencies in the procedures awarding the contract to General Electric.

There was "somewhat greater stability" in Fairchild costs, the Lundin committee said, but concluded costs were "not amenable to precise analysis" and not important in the light of design "superiority" of Fairchild. The three-member selection group concluded that "on the technical side there exist differences in important areas" of auxiliary propulsion, systems engineering and others that represent "a clear basis for selection" of Fairchild Hiller.

Dealy called the decision a "rare occasion when an administrative agency takes . . . courageous action." He said, "I believe it is encouraging evidence of the ability of our government and the people in it to remedy errors in an expeditious and meaningful manner."

To the American people and the press, the satellite contract reversal should be to emphasize this message: It is possible to find and correct the flaws in contract procedures as well as the mechanical flaws in a space craft. It is more important to catch and report those flaws than it is to record the dramatic words commemorating any successful space mission.

COVERAGE OF EXPO '70

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. SLACK. Mr. Speaker, this extremely interesting coverage of Expo '70 has been brought to my attention. I believe many of you will be interested in the good work being done by certain young people on the American Exhibit staff.

The item follows:

EXPO '70 IMPRESSED ME FAR MORE THAN I EXPECTED—LIKE DISNEYLAND

(By S. I. Hayakawa)

TOKYO, JAPAN.—I had not expected to like Expo '70, since I prefer to look at more organic and genuine aspects of a culture rather than that which is organized for show. But Expo impressed me far more favorably than I expected—like Disneyland. There is a clean, innocent freshness about both—a colorful, imaginative world of people having a whale of a good time.

The buildings and displays are not always of the most creative sort, but there is a great variety of spectacular effects, obviously bringing delight to the enormous throngs. A record 693,364 attended Expo the day we were there.

As I am not the first to observe, it is the people who are the main show at Expo. Overwhelmingly Japanese, including many rural looking people, the crowds are well-dressed, good humored, and incredibly patient about waiting hours in line to see the American, Russian and other most popular pavilions. We were getting the edges of a typhoon, too, that day, and the rain and storm gusts of wind made scenes of umbrellas and slanting rain like Hiroshige prints.

We enjoyed most of all, I think, the Japanese Folk Art Museum—beautiful in its selection of pots, dishes, textiles, furniture and articles of daily use; powerful in its

unity of impression. The Japanese are simply crazy about pottery, which is both a high (highbrow) and popular (folk) art. To study such wares as Tamba, Mashiko and Bizen—traditional, but still being made—is to begin to understand the disciplined esthetic that most Japanese share.

The Fine Arts Pavilion had an incredibly fine assemblage of treasures from all over the world, many of them sent out of the country by their governments for the first time. Most impressive were the archaic pots and statues from Jomon period Japan, Iran, Egypt, Assyria, Greece, pre-Columbian America and the Benin people of Africa, which are a moving testimony to the common humanity and creativeness of all peoples.

The paintings from the West moved me less. After being steeped for 10 days (we really have been!) in the understated art of Japan—subdued temples, gardens without flowers, austere palaces, paintings in which the unpainted areas carry so much of the burden of meaning—the oils of Raphael and Delacroix and Sir Joshua Reynolds seemed overdone—and modernists whom I usually like, such as Jean Dubuffet and Jackson Pollock, seemed beside the point. Cezanne and Paul Klee seemed right, however, as did the Czech primitive religious paintings, which were new to me.

The Russian pavilion was so noisy—so many speaker systems beaming so many messages at us simultaneously—that we lost half of what the guide was explaining to us. There were many giant-sized pictures of Lenin, of course. The exhibit as a whole tries to do too much: films of kindergartens, exhibits of toys, lumber products, furs, circuses and ballet, space ships, literature and music, and a model of the world's largest dam. Most people seemed to be enjoying it all, but to me this combination of trade fair and self-glorification was a gigantic bore. And it comes as something of a surprise—like an echo from the past—to find that the Russians are still hung up on dams.

And the things unsaid—for example the writers not included in the Soviet hall of fame—must be apparent to most visitors. Of the things we liked, we liked most of all the handsome three-dimensional photographs of Leningrad and Moscow, the latter making me feel as if I were looking over the walls of the Kremlin.

In contrast with the Russian pavilion the American pavilion is casual, understated, with unexpected humor and honesty. I have no way of knowing how well the pavilion communicates to the Japanese what it intends to. Some things must be puzzling, to say the least, and some too subtle to be understood in such crowds. The space ship and the moon rock are obviously the hit of the show.

What I liked was that many things were simply fun to see, like the restored Stutz Bearcat, around which a crowd was always gathered, and the Granatelli racing car, in which, we were told, one of the astronauts insisted on being photographed in order to impress his children. Originally I thought it kind of corny to show Babe Ruth's locker and uniform and early baseball uniforms and the bats used by such stars as Joe DiMaggio, Lou Gehrig and Jackie Robinson.

But when I actually saw them I was genuinely thrilled—but not half as thrilled as the throng of Japanese boys who crowded around to look. And considering how Japanese motorcycles have captured the American market, it did my heart good to see the crowd of Japanese gawking at the huge, handsome Harley Davidson!

Howard Chernoff, U.S. ambassador to Expo and director of the American exhibit, is proudest of all the Japanese-speaking American young men and women who are guides to the pavilion. There are 56 of them, carefully selected from universities and colleges throughout the U.S. All day they field questions

about the New York Mets, American Indians, Shaker furniture, Frederic Remington, dune buggies and Apollo VIII, in rapid-fire, idiomatic Japanese. They are certainly doing a job for American-Japanese relations.

FUTURE OF CRANE NAVAL COMMUNICATION DEPOT

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Thursday, September 17, 1970

Mr. HARTKE. Mr. President, I recently attended a meeting in Washington to discuss the future of Crane Naval Communication Depot. This meeting, which was attended by Defense and Navy officials and community representatives from southwestern Indiana, served the valuable purpose of acquainting the people of Washington with the people and problems concerned with Crane.

At that meeting, Mayor C. J. Hauck, Jr., of Bedford, Ind., delivered an excellent report of the Crane situation. I ask unanimous consent that Mayor Hauck's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF MAYOR C. J. HAUCK, JR.

I'm sure I can speak for my associates, Mayor Fry and Mayor Hooker, and the others in our group from the towns and counties in the vicinity of Crane, in expressing our pleasure and satisfaction for the opportunity of attending this meeting.

It seems to me that, sometimes, decisions taken here in Washington for valid and factual reasons might not have been taken had there been a full realization of the impact of such decisions on the people at the local level who must eventually bear the brunt of such decisions.

This type of meeting, a meeting at which representatives from the local area have an opportunity to meet directly with their representatives in Congress and Federal officials who must make the final decisions is a splendid example of that type of government in action which is our heritage as Americans.

There is no doubt whatsoever in my mind that the great majority of the people of Bedford want a just and honorable peace in Viet Nam at the earliest possible moment. We also accept the fact that in the transition from a war-time to a peace-time economy there will be dislocations in the pattern of employment and income to which we have become accustomed over the past ten years. We are not here this morning to ask for any special consideration, but simply to present the facts of our economic situation to you; and to ask for two things:

First, that decisions as to the level of activities at Crane be based on the merits of that installation, its potential, its efficiency, its overall costs as compared with other similar installations of not only the Navy, but the Army, Air Force and private industry as well;

And second, that within this frame of reference, the needs of our people be considered on their merits in comparison with those of other communities providing the work force for other installations of the Armed Services with capabilities similar to that of Crane.

Other witnesses here this morning will address themselves to the first of these two propositions. I will confine my remarks to the second, with particular emphasis on Law-

rence County, of which Bedford is the County Seat.

Over 95% of the employees at Crane come from an 8 county area surrounding that installation.

Four of the eight counties, Daviess, Greene, Lawrence and Martin supply 4,694 (over 82%) of the 5,691 employees involved. Lawrence County, with 1,328 employees, furnishes the most, closely followed by Greene County with 1,319, Martin County with 1,101, and Daviess County 946. Compared population-wise: More than 1 out of every 8 people living in Martin County works at Crane; more than 1 out of every 20 people living in Greene County works at Crane; more than 1 out of every 24 people living in Daviess County works at Crane; and more than 1 out of every 28 people living in Lawrence County works at Crane.

Stated another way, and assuming an average of 4, husband, wife and 2 children: 55% of the people of Martin County are dependent upon Crane for their livelihood; 20% of the people living in Greene County are dependent upon Crane for their livelihood; 16% of the people living in Daviess County are dependent upon Crane for their livelihood; and 14% of the people living in Lawrence County are dependent upon Crane for their livelihood.

To me, these statistics eloquently demonstrate the extraordinary place which Crane occupies in the economy of these four counties.

Were it possible for me to tell you that a worker separated at Crane because of a reduction in force had a reasonable opportunity to find another job in the area, I would not be so concerned, and you would have reason to feel that we were not quite so dependent on Crane as we appear to be. Unfortunately, the situation is exactly the opposite.

Lawrence and Greene Counties have long been classified as areas of high or persistent unemployment. The present unemployment percentage of our work force is shown, by counties, on the chart before you. With the exception of Monroe County, unemployment in all of the 8 counties is above the national average. In my opinion, the 12.9% in Lawrence County has reached the critical mark.

Perhaps the best way to explain how we have reached this unhappy situation is to read to you the report of the Indiana Employment Security Division for the Bedford area for the month of July, 1970. I quote:

"ABBREVIATED REPORTS FOR SMALLER AREAS

"BEDFORD, IND.,

"July 1970.

"Events of the past year have altered the favorable employment atmosphere which existed in Lawrence County last June. At that time employment stood at 11,670; it is now 10,445, constituting a loss of over 1,200. Two thirds of this loss has been caused by reduction of jobs in the manufacturing sector, and four of the sector's industries have contributed 85 per cent of this reduction. Primary metals (SIC 33), fabricated metals (SIC 34), stone-clay-glass (SIC 32), and transportation equipment (SIC 37) have gone down by 323, 145, 125, and 80, respectively.

"Employment losses have occurred in almost every sector and industry in the local economy. With respect to year-ago levels, all classifications have either lost employment or remained constant, except the transportation, communications, and utilities classification, which registered a meager gain of 5.

"Every reporting period throughout the year has shown loss of employment, but the rate of the downturn had slowed to practically zero between the last two periods. The only large nonseasonal dip between April and June was that of General Motors (SIC 33), and it was caused by the slowdown in automobile sales.

"Currently, the number of workers unemployed is 1,550, or 12.9 per cent of the

11,995 number work force. Substantial as this rate is, it is lower than the high this year of 16.2 per cent, reached in April. But the current rate is still over twice as high as the year-ago rate, and almost twice as high as the six-month-ago rate. Current total work force is 295 less than the year-ago figure, indicating that an influx of people separated from out-of-county jobs has not taken place. This tends to be confirmed also by the fact that the growth in Lawrence County's unemployment over last year is less than its loss in employment. However, many of this county's residents are employed in nearby defense and electronics industries.

"There are no known factors which will appreciably improve this current economic trend."

I have with me the statistical analysis upon which this report is based. I will be happy to submit it for the record if you so desire.

Under the provisions of the Indiana Employment Security Act, government employees are not counted as a part of the available labor force. Hence, the 1328 Lawrence County residents now working at Crane are not included in the report I have just read, nor in the statistical analysis supporting it.

But, each one of these 1,328 employees who loses his job at Crane, and who is unable to find a job outside the County, is then picked up by the Employment Security Division as an unemployed member of the Lawrence County labor force.

In view of this situation, I can demonstrate to you that for each 150 Lawrence County residents rifed at Crane, our percentage of unemployed will go up 1%.

In Greene County, only 63 people have to be laid off at Crane to increase that county's unemployment rate by 1%.

What is happening, as indicated in the Employment Security Division report just quoted, is that an employee dropped at Crane, ineligible for assistance under the State Employment Security Act, and unable to find a job at home is forced to leave his home and family to search for employment elsewhere, or go on relief.

That this is happening is corroborated by Bedford's census count over the past 10 years:

Census:	Population
1960	13,024
1967 (special)	13,476
1970	12,827
Loss since 1967	649
Net 10 year loss	197

These are the very people we can least afford to lose, as in the majority they constitute our most highly skilled and most reliable workers.

Up to this point, I have been discussing the direct impact on people of a reduction in force at Crane. To complete the picture of Crane's importance to us, it is necessary to consider our economic level in terms of money and the financial contribution which Crane makes to our economy.

Davless, Greene, Lawrence and Martin Counties all are classified as low income counties. In 1967, the latest year for which I was able to obtain data, the average per capita income of these counties was:

Davless	\$2,598
Greene	2,347
Lawrence	2,853
Martin	1,737

In 1969 the total annual payroll of all employees in Lawrence County covered by the Indiana Employment Security Act was \$50,868,000. The total for the four county area we have been discussing was \$95,230,000. The

Crane payroll for that year was \$52,000,000. More than half as much as the total of all the salaries and wages otherwise earned in Davless, Greene, Lawrence and Martin Counties.

It doesn't take much imagination to envision the effect the loss of this payroll or any significant part thereof would have on the minimal economic base that is our lot.

The Bedford Retail Merchants Association advises me that their sales already are from 20% to 25% off from last year's. A further loss of purchasing power by our people will put some of them out of business. One independent metal fabricating plant already has gone bankrupt. One of our local department stores has closed its doors. An independently owned drug store has lost its identity through merger into an out-of-state chain of drug stores, necessitated by lack of sufficient financing to continue independently.

In addition to payroll, I understand Crane sub-contracts approximately \$5,000,000, in work to local firms annually.

From the above discussion, it is obvious that this work could be the difference between staying in business and going broke for a small firm in our area.

I regret that it has been necessary for me to present such a dismal picture of our economic situation. The facts, however, speak for themselves and may be verified in all instances by a call to the Indiana Employment Security Division.

As I stated in the beginning of this presentation, we need your help, but all we are asking for is an even break. Give Crane the opportunity to perform the missions, do the maintenance and produce the materials of which it is capable, in free competition with similar installations of all the Armed Services and private industry, and you will not only be helping the people of Southwestern Indiana, but all Americans, by reducing the costs to them as taxpayers. Give us an even break by comparing our unemployment percentages with those of other communities served by other Federal installations similar to Crane, whenever a close decision is involved as to the merits of Crane's abilities, facilities and costs, and you will not only be helping us, but will be reducing unemployment costs and welfare expense paid out of the taxes of working Americans.

Thank you for your time and your consideration.

GOVERNMENT EXECUTIVE ARTICLE ON RUSSELL TRAIN

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. WOLD. Mr. Speaker, the current edition of Government Executive magazine contains an article on Russell Train, the Chairman of President Nixon's Environmental Quality Council. The far-reaching effects of the environment have loomed large in the public consciousness only recently. The dimensions of the problems are still undefined, but it is apparent that they contain vast areas of intellectual frontier.

Environment is no longer the sole concern of the summer camper. It affects the economy, the fabric of our social relations, our life styles as individuals, our transportation network, our defense policies, and, of course, our health.

It is clear that a field so broad re-

quires an intellect and philosophy of the first rank.

We are fortunate to have a man such as Russell Train placing his capacities at the service of his country as these problems continue to proliferate.

There is no doubt that solutions to such dilemmas may become highly controversial as we move into the 1970's. This is inevitable in dealing with a subject which affects every sector of our national life. So we are doubly fortunate that a man of Mr. Train's personal strength is leading us in coming to grips with the complex questions and decisions which we will confront in the years ahead.

Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD the text of the article, "Environmental Quality: An Aesthetic Effort?" I am sure that other Members will share my interest in it.

ENVIRONMENTAL QUALITY: AN AESTHETIC EFFORT?

(By Patrick McGarvey)

Highlights:

1—Russell Train, chairman of Nixon's Environmental Quality Council, aloof from bureaucratic processes is charged with "ensuring that man and nature exist in productive harmony."

2—His far-ranging responsibilities suit his intellectual grasp of the problems facing the Nation; the crunch, however, is yet to come when partisan pressures clash with policy recommendations that he will be making.

3—He spells out a sound new gospel for American industry and states, "enforcement will be stricter and more effective."

4—His positive approach includes praise for all ecology groups—even the Doomsday Scientists.

5—The SST, in his view, "could create serious problems."

The "human condition," the inefficiency of American society, man's impact on historical trends and thoughts on free enterprise were blended artfully with the nitty gritty of what the Government is doing in the pollution field in a wide ranking conversation with Russell Train, chairman of the Environmental Quality Council.

No bureaucrat, Train is just as likely to digress into a philosophical appreciation of technology as he is to explain the mechanics of pollution enforcement.

This all takes place under the watchful and imposing eyes of a female orangutan—a decorous oil painting hung unneringly on the wall behind his left shoulder. Looking like some half-vegetable, half-human creature arisen from a peat bog, this orange beauty, at first, is interpreted as a symbolic rendering of man's plight if we don't clean up our environment.

In Train's advisory capacity perhaps the best measure of his effectiveness is to gauge his instincts. Train's seem more humanistic than anything else. He is more relaxed discussing concepts than describing processes. He measures most things against the human experience, not the statistical or technical aspects as do many of today's so-called "problem-solvers." He articulates his thoughts well and against a background of principle.

"Very often people think of this environmental concern as being one of an aesthetic or an academic ethic," Train remarked. "In my opinion it's far more than that."

"The condition of the environment goes to the whole human condition. If we let environmental degradation go far enough in any given area, I'm absolutely certain that this will lead to the degradation of people as human beings. At the same time we have exceedingly difficult short-range adjustment

problems. People are going to be put out of work in some places as we attack the pollution problem."

The key issue in the field of environmental quality in Train's view is the nature of modern industrial society. "The solution doesn't lie in going back to a state of nature," he said.

"We have just gotten into the habit of running our society in a very inefficient manner. All that the pollution issue really is is an inefficient use of our resources. It's simply wasteful. For example, we're producing about 10 million tons of sulphur a year from the Nation's smokestacks, and we're only digging 13 million tons out of the ground each year. That doesn't make sense.

"I can see no reason why we can't get rid of that inefficiency. We can have far more recycling and as a result have far more energy and national wealth to spend on other things. Right now we're throwing a lot of our national wealth into waste."

The extent to which America is wasting resources is reflected in the broad scope of activity of Train's Environmental Quality Council. "We're involved in all of the usual pollution concerns," he commented.

"This involves air pollution, water pollution and solid waste disposal. It also includes the fields of pesticides and radiation effects, and it goes beyond that to land use and planning and urban development. There's really no limit."

Train admitted that to go into all of these problem areas requires a considerable amount of technical expertise. He hopes as time goes on that his staff doesn't get bogged down in the details.

In its short existence Train's group has found itself fighting an uphill struggle with "current problems." They have been able to fashion a broad set of priorities however.

"So far most of our attention has been focused on the short range. The tough problems crowded right in on us when we opened shop, and it's been difficult to find the opportunity to address the larger, long-range problems."

The problems of the environment—air pollution and stinking rivers—are the most visible, the most annoying and the most dramatic as far as the public is concerned. Train remarked that, "this is the area in which we have made the largest investment of time and personnel. It is a matter of constant concern.

"The area that I would say needs the greatest immediate attention is air pollution. This represents the most significant health problem. Within that problem area I would say that auto emissions is the highest priority. After that the sulphur dioxide emissions from stationary power sources and factories is the next biggest problem. Most of these involve technical breakthroughs that still have to be made however."

They also involve effective enforcement. And Train is no idealist as far as the present legal framework for pollution enforcement is concerned. "I think that the existing laws on the books are pretty deficient. The air and water quality legislation put heavy emphasis on the state and local role in enforcement and tended to play down the Federal role.

"We have reached the conclusion that this simply isn't working out well. State and local responsibility is going to remain high but the Federal role must become more important as time goes on. This is an area where the Federal Government is going to be steadily increasing its activity."

Train hastened to add, however, that he wasn't trying to convey the impression that the Federal role was going to be simply a punitive one. "There is no intention of this. But, in going around the country speaking to public groups there is a widespread impression, and I'm not sure it's erroneous, that there are laws on the book, that are not being compiled with.

"The public needs only to look around and know that something's wrong. Laws are not being enforced. The Administration is pressing for enactment of legislation to strengthen the entire spectrum of pollution enforcement.

"For example the new Environmental Protection Agency, if not disapproved by Congress will be giving a great deal of attention to the effectiveness of our enforcement provisions."

Broadening the subject of enforcement into a positive vein, Train added: "I think we have to do more than we have in the past to use the competitive forces that we have within our economic system to accomplish some of our environmental goals."

Aware of both the positive and negative ethics within our economic system Train discussed Senator William Proxmire's proposed legislation, a bill which would charge industry for polluting in such a way as to make it economically more sound to invest in pollution devices than to pay the heavy effluent charges.

Train both agrees and disagrees with the Proxmire approach. "In principle the plan is sound indeed," he remarked. "It could turn the forces within our economy to work in society's behalf." Reflecting on it for a moment, however, he was quick to point out that state and local legislatures, in his opinion, would tend to err on the low side when devising these difficult-to-compute charges.

"An effluent charge, then, simply becomes a charge for the right to pollute. And to the extent that it becomes a license to pollute, then, of course, we'd be missing the mark completely.

"I would not rely on the Proxmire plan entirely. We would have to combine his plan with a set of Government standards, regulatory authority and enforcement authority."

An admitted optimist, Train has been selling a new gospel to American business. "They have to stop looking at the environment as a 'problem' and start looking at it as an opportunity," he declared.

"If we can create the proper economic incentives I think our economy will do a great deal of the work for us." He warned, however, that it will take a considerable amount of initiative on industry's part. "They are going to have to do a lot of private research and development just to enable them to comply with the laws that will be forthcoming.

"I think more and more businesses are seeing the opportunities in this field. New techniques, new management systems for waste disposal are now being developed. I'm hopeful that there will be a step up in federal research and development in this entire field. There should be."

Closing with a broad sweep onto the historical plateau Train praised the role of the individual in America. "There have been grass roots organizations beating the drums for years about our environment. They have all served to dramatize the problem to the point where Government is now acting on it. Even the doomsday scientists have made a genuinely positive contribution with their fearful predictions.

"I would hasten to add, however, that any trend—be it population, energy use, or pollution—if projected unmodified into the future can be frightening. If anything, the experience of human history is that trends do not continue unmodified. We are modifying them today, and despite the seriousness of the problems I remain an optimist . . . or else I wouldn't be here."

TRAIN'S AWESOME TASKS

Above the pressures of Washington lobbying, partisan politics and the muck and mire of bureaucratic infighting the Environmental Quality Council, from its Olympian perspective at White House level, has man uppermost in mind.

The rhetoric of its enabling act—Public Law 91-190, the National Environmental Policy Act of 1969—is moving indeed. Among other things it is to "foster and promote the general welfare," ensure that "man and nature exist in productive harmony" and "fulfill the responsibilities of each generation as trustee of the environment for succeeding generations."

The Council composed of three members and a staff is to assist and advise the President in the preparation of an annual Environmental Quality Report. They also gather timely and authoritative information concerning the conditions and trends in the quality of the environment to determine if they are interfering or are likely to interfere with the quality of American life.

They are to review and appraise the various programs and activities of the Federal Government to ensure that they do not conflict with the goals mentioned above. They have the responsibility of recommending to the President policies which foster and promote conservation, social, economic and health goals of the Nation.

To do their job they are authorized to conduct investigations and studies to analyze our entire ecological system and environmental quality. They are to monitor and document changes in the natural environment including those among plant and animal life and interpret their underlying causes and report on them in detail.

They are to report at least once a year to the President on the state and condition of the environment and make any other studies and recommendations regarding matters of policy and legislation that the President needs.

According to Train his group is now working closely with the new Office of Management and Budget on pollution budget priority problems. He works closely also with John Ehrlichman, executive director of the recently created Domestic Affairs Council developing overall environmental quality policy.

THE SUPERSONIC TRANSPORT "COULD CREATE SERIOUS PROBLEMS"

The Environmental Quality Council seems to be caught between a rock and a hard place as far as the SST goes. Russell Train, on the one hand, must balance the narrow Administration selling point that only two prototypes are involved with the likely momentum which will ultimately develop for building a commercial fleet of SSTs.

"Looking ahead to the possible development of a commercial fleet," Train said, "there are certain areas in which we feel considerable concern."

Sonic Boom: "Not a pressing problem for the U.S. because of the F.A.A. proposal to ban sonic booms at ground level over the U.S., but it does present a ticklish international problem."

Sideline Noise: "At airports it will be greater by a factor of three-to-four on the part of the SST than the 707 and four-to-five times greater than the 747. Substantial levels of such noise could create serious problems of public acceptance. Engine modifications could be made, but they would reduce the economic viability of the SST. Airport modifications are not really very practical either in view of the costs involved."

Atmospheric Effects: "The introduction of water vapor from the combustion of fuel at altitudes of 60,000 to 65,000 feet could be serious. Current subsonic jets do this, but in the lower levels of the atmosphere you get a rapid mixing and a lot of vertical movement so the moisture is dissipated quite rapidly.

"At an altitude of 65,000 feet, however, you get very little vertical movement. It's believed that the life of the water and other exhaust particles would be 18 months to three years, perhaps even longer. The effects of such a buildup are really uncertain at

present. You could have a buildup of cloud-cover resulting in some changes in the temperature at earth level." (Many scientists claim it would require only a change of 11 degrees in the earth temperature to prompt a new ice age.)

Nixon Proposal: "The Administration is proposing funding the development, design and construction of 100 hours of flight tests for two prototype SSTs. The Administration has not proposed as yet that we develop a commercial fleet. Two prototypes, in and of themselves, would pose no significant environmental problems, assuming they were flight tested under controlled conditions.

"It's very important that a good deal more research be conducted in all the environmental aspects of the SST before any final decision is made about the operation of a fleet of supersonic jets."

WAR GAINS AND CASUALTY DROP

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. SHRIVER. Mr. Speaker, in a recent editorial the Kansas City Star states:

Saving American lives in Vietnam is a main purpose of current U.S. war policy and in that aim the Nixon administration is succeeding.

The Star attributes the drop in casualty rates to the success of the Cambodian incursion, U.S. troop withdrawals and Vietnamization.

I believe all my colleagues would benefit from reading "War Gains and Casualty Drop," and I, therefore, include it in the RECORD:

WAR GAINS AND CASUALTY DROP

Saving American lives in Vietnam is a main purpose of current U.S. war policy and in that aim the Nixon administration is succeeding. The weekly figures on battle deaths make this clear. The latest one-week toll of 52—the lowest since the week ending December 3, 1966—compares with 190 killed in the week ending August 23 last year.

More significant is the fact that during the eight weeks since U.S. ground forces left Cambodia, American battle deaths have dropped to less than one-half of what they were for the comparative period in 1969. Credit for the improvement can be assigned to the U.S. troop withdrawal program, the allied thrust that wiped out the enemy's sanctuaries on the Cambodian-Vietnamese border and the Saigon army's assumption of much greater combat responsibilities.

The battered Viet Cong are not a potent force in the war at this time and are sustained only by Hanoi's intervention. Moreover, the North Vietnamese are no longer capable of making hit-and-runs from Cambodia into South Vietnam as they did before they lost their Cambodian havens last spring.

To this extent the U.S. venture into Cambodia was as effective as it was hoped to be. True, the Communists are still trying to bring down the Lon Nol government by force. But they would have tried that anyway. And their continuing effort is being impeded by American air strikes and the almost 18,000 South Vietnamese who continue to fight alongside the Cambodians.

Apart from air operations and the supplying of some military hardware to Phnom Penh, the United States is no longer active

in Cambodia. But the South Vietnamese are fighting well there as they are on their own soil. Thus the Vietnamization program moves ahead while the U.S. is set on plans to reduce its already-trimmed forces in Vietnam to 284,000 by next April. But what is all-important is that American war casualties are declining sharply in the course of the U.S. disengagement.

A PLAN TO COMBAT AIR HIJACKINGS

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. CHAMBERLAIN. Mr. Speaker, the recent appalling acts of aircraft piracies make it clear that ways must be found to put an end to such criminal acts in the future. President Nixon's proposal calling for the posting of guards on appropriate flights deserves the prompt consideration by the Congress. In addition, we should also examine carefully all serious suggestions to safeguard passengers and to protect aircraft from destruction. In this regard, I noted with interest the plan put forth by columnist William F. Buckley, Jr., which appeared in the Washington Evening Star on Wednesday, September 16, and I commend the article entitled "A Plan To Combat Air Hijackings" to the attention of my colleagues:

A PLAN TO COMBAT AIR HIJACKINGS

(By William F. Buckley, Jr.)

It occurs to me that you don't really need 100 percent cooperation from every country in the world in order to set up an anti-hijacking code. A few small nations holding out can undermine (for instance) anti-proliferation treaties, or provide refuge for assassins or whatever, but how could any one, or two, or three, or a half dozen countries stand up against an air boycott conducted by, say, the United States, the Soviet Union, Japan, West Germany, England, France and Italy?

I do not have the figures before me, but I would guess that three-quarters of the world's air traffic flies out of, or flies towards, one of these countries.

The presumptive case against Soviet cooperation in any enterprise that conduces to international stability is in this situation easily overcome. The Russians are usually prepared to cooperate in ventures that inure to their own benefit, and it is clearly in the interest of the Soviet Union to prevent the hijacking of its own planes.

Bear in mind that hijacking, in the Soviet Union, is much more tempting than elsewhere. Any American who wishes to make his way to Cuba, there to settle in a socialist paradise, will encounter very little interference from American authorities. In the Soviet Union, unless you're a government spy or a violinist, you can't leave: So that, desperation being the mother of invention, it is bound to occur, increasingly, to the hapless Russian, that a pistol aimed at the head of a pilot on the Moscow-Leningrad run could cause him to veer over an extra 10 minutes into Helsinki.

My point, then, is that there is little reason to doubt that the Soviet Union would cooperate in an accord the terms of which would be simply this. No airplane from the concordant nations will land a plane in any

country which declines to detain, and ship back to the country whence the airplane issues, the hijacker. Nor will any airplane be permitted to land in any of the concordant nations which flew out of a country that had failed so to treat a hijacker.

And then, say 60 days after the agreement goes into effect, it could be strengthened even further to exclude traffic not only with the country that refuses to extradite the hijacker, but with any second country that refuses to apply the same sanctions against the offending country as are applied by the concordant nations.

Concurrently, unless Jordan seizes the hijackers, and returns them, respectively, to New York, London, Zurich and Tel Aviv, an embargo is instituted, beginning immediately. Those who defy the embargo (Sweden, presumably), will also be boycotted, after 60 days. This kind of pressure is direct, efficacious, just and nicely symmetrical.

The one disturbing aspect of it is that it would require the concordant nations to perform highly disagreeable acts, such as returning to the Soviet Union people who fled from it with only the end in mind of seeking personal liberty. That is painful, but only do it once, and political refugees will learn that they will have to find means of leaving the Soviet Union without threatening the lives of a couple of hundred other passengers, which is not too much to ask.

Granted that there are opportunities for evasion. Cairo can inform us that although they marshalled three Egyptian divisions to circle the airfield, the hijackers get through. Unfortunately, in the case of Egypt the excuse would be perfectly plausible. Still, an investigating team could be deputized to be sent into a country offering such an excuse. Pending the exoneration of the country, the boycott would be enforced. My guess is that, under such pressures, even the Egyptian army would prevail.

Every country in the world is strangely dependent on air travel. It is an obvious dependence in such countries as depend heavily on tourists. But even sturdily xenophobic countries like Cuba, so widely boycotted already, cultivate their little links by air, in Cuba's case to Mexico and to Spain. That is why, for instance, Castro has regularly permitted hijacked airplanes to be flown out, once landed in Havana; and, indeed, Castro has not shown himself to be hospitable to the hijacker.

The defiant hijacking countries would be left only with the satisfaction of impounding the stolen airplane. But there are countermeasures available, in almost every case: Let the tort-feasor beware.

Can it be hoped that the agreement could be zipped through the world's bureaucracies in time to spare the traveling public insecurity, and perhaps even death?

MAN'S INHUMANITY TO MAN— HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide over 1,500 American prisoners of war and their families?

How long?

POSSIBILITY OF BOTH PEACE AND VICTORY

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. MAILLIARD. Mr. Speaker, Russell Kirk recently wrote an encouraging column in the San Francisco Chronicle on our prospects for peace in Southeast Asia. His analysis of the present situation in Cambodia is particularly interesting, and I believe all my colleagues would benefit from reading "Possibility of Both Peace and Victory":

(From the San Francisco Chronicle, Aug. 26, 1970)

POSSIBILITY OF BOTH PEACE AND VICTORY

(By Russell Kirk)

The real fighting in Indochina doesn't occur in South Vietnam at present: the action has been transferred to Cambodia, and to Laos, or at least to the Laotian frontier. At the SALT talks, President Nixon has good prospects of securing from the Russians some understanding about Indochina. At Paris, the emissaries of Saigon seem ready to talk again. In Laos, the Communists negotiate with the royal government.

All these are cheering signs that at last the North Vietnamese and the Viet Cong are war weary. In Saigon, President Thieu says the war may last three years longer—but will end in victory. He expects merely 50,000 American troops to remain in South Vietnam a year from now; other estimates put that total as low as 20,000.

Despite the confusion and destruction in Cambodia, even there the Communists are not winning. Their losses have been heavy, and they have not been able to hold any principal towns. The Cambodian army grows in size and effectiveness. And the Cambodians really have begun to fight.

And in Cambodia, the North Vietnamese and the Viet Cong must be asking themselves just what they are trying to do. In South Vietnam, they were able to declare that their mission was to "liberate" and reunite their own territory. But Cambodia is another kettle of fish altogether.

The Khmer people hate the Vietnamese, and the Communists obtain from the countryside almost nothing of the assistance they were able to secure from anti-Saigon elements in South Vietnam. This is a war of invasion, clearly—meant in part to secure new supply-routes for the attack on Saigon, but as yet ineffectual for that purpose.

While North Vietnamese shoot Khmers; and Khmers shoot North Vietnamese, the Communist cause across the frontier is enfeebled. Relieved of Communist pressure, the Saigon government extends its control over areas that for many years were dominated by the Viet Cong and their allies from Hanoi. Only along the Laotian frontier do the Communists still make serious forays against South Vietnamese and American troops—and there chiefly to guard their Ho Chi Minh Trail.

In Hanoi, the Communist faction willing to settle for the possible, seems to have gained ground. President Nixon's Cambodian expedition taught them that America has not become a paper tiger. Their chief hope, indeed, seems to be that the American left, American pacifists, and the dove faction in Congress may bestow upon them unnecessarily what the Communists of Hanoi have been unable to win by a decade of atrocious war.

Militarily, Hanoi confronts a dilemma. If they fling more troops into Cambodia and

Laos, they run the grave risk of provoking Thailand into massive intervention. The Thai army is bigger than that of North Vietnam, is well equipped, and is undecimated. The Communists have no immediate prospect of more help from Russia and China.

In these circumstances, it is quite conceivable that President Nixon may realize his ambition to be known as the statesman who achieved both peace and victory.

NIXON MUST ALTER HIS GAME PLAN

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. COHELAN. Mr. Speaker, the economic condition of this Nation requires the most searching analysis. The continuation of inflation and the recession that now accompanies it requires some renewed thinking about the Nixon administration's economic game plan.

Recently, Paul Samuelson, the noted economist, wrote an interesting article taking issue with many of the administration's economic assumptions. Most important is the implicit administration assumption that short economic restraint, resulting in high unemployment, will lead inexorably to vigorous long-term growth and high employment. Professor Samuelson correctly points out that the economy has never acted in this manner and there is little reason to believe that it will radically change.

I commend this article to the readers of the RECORD:

[From the Washington Post, Aug. 13, 1970]

NIXON MUST ALTER HIS GAME PLAN

(By Paul Samuelson)

President Nixon's year and a half in office provides a long enough track record for us to make some provisional appraisals of his team's economic performance. Just as an old party returned to office has the handicap of having to continue with its previous policies, a newly elected party has the albatross around its neck of having to repudiate previous policies and promise a new and better order of things.

This led in the first half year of the new administration to a great deal of ideological utterance. Fine tuning was out, and gradualism was going to solve our inflation problem at minimum cost. Historical studies and multiple regressions from the Federal Reserve Bank of St. Louis has established the primacy of the supply of money, and so fiscal policy was proved impotent to affect the aggregate level of effective demand. Income policies will never work, and besides the only thing worse than an income policy that doesn't work is one that does—thereby creating distortions in resource allocation and inequities among persons.

This kind of ideological nonsense is all part of the game, and if government were merely a game, we could all relish the performance. But of course human welfare is at stake, and even corporate profits. When Richard Nixon struck a blow for freedom by refusing to exercise presidential pressures on price and wage decisions, that resulted, not unexpectedly, in a rash of price increases from business managements relieved of one harassing influence from Washington. When the gameplan, based on the assumption that the rate of inflation would subside at the same time that production slowed down a

bit, developed colossal squared-errors of estimate, those residuals came out of the hide of the unemployed and not out of the paychecks of the philosophers of freedom.

HOW MUCH TO EXPAND

It is an aphorism of American political economy that the Republicans in office act better than they talk, just as the Democrats talk better than they act. (It is all, apparently, a question of which constituency is to be bamboozled.) Fortunately, this has now been the case. Although a Caspar Weinberger at the new Bureau of Management and the Budget vocalizes idiocies about the need to balance the budget at all times, even in recession, the Nixon team jettisons the Puritan Ethic appropriate to personal finance and appeals to the full-employment balanced budget and its implied actual deficit when the economy recedes.

It is another aphorism, I mean behavior equation, that a political party is in a state of grace before an election, if ever. Just as Arthur Burns in the Eisenhower days advised expansionary policies to help candidate Nixon avoid defeat in the face of the 1960 recession, we have recently been hearing of pressure from Paul McCracken on Chairman Burns of the Federal Reserve to expand the money supply beyond the magic 4 per cent straightjacket advocated by the boys from Cook County. Ironically, it was Burns back in 1954 when he held the job of economic advisor who was putting pressure—merited pressure in my opinion—on Federal Reserve chairman Martin to flood the market with liquidity.

But then why should Dr. Burns succumb to the pressure of Dr. McCracken, when Dr. Burns expects us to return to full employment some unspecified time in 1971? The Joint Economic Committee was surprised to learn of this optimistic outlook, and with good reason since other board governors of the Federal Reserve were no doubt also surprised.

Unfortunately, Arthur Burns does not have an unblemished record in forecasting full employment around the corner. In a famous Chicago speech of April, 1961, when the economic recovery was not yet three months old, Burns warned against the excessively expansionary policies of the Kennedy "gay stagnationists," putting on the line his scholarly reputation as a long time student of the American business cycle by predicting that 4 per cent full employment would be achieved in 1962. It took three more years and escalation of the Vietnam War to validate this rash forecast, and if Dr. Burns does not fare better in his present crystal-ball gazing, it will not be in the present administration that we again see unemployment below 4 per cent.

Alas, Karl Marx was right: the job makes the man. I have known three socialists who became the heads of central banks, and for two out of the three you could soon not tell the difference between them and a good burgher from Basle. The difference between a speech by William McChesney Martin, Jr., and Arthur F. Burns is evaporating day by day, a fact which probably both men will take as a compliment—which only illustrates the point I am making.

CONCLUSIONS

In this summer of 1970 the crucial issues for policy making can be briefly summarized:

1. This administration inherited an inflation that would have snowballed if some retardation had not been engineered by Washington. But when the stubbornness of the inflation and the slowness of the upturn exceeded general expectations, both fiscal and monetary gameplans should be altered in the direction of greater expansionary stimulus.

2. The major premise underlying Republican economics was dubious in prospect and has been shown to be false by experience—namely that there was some path of

short-term restraint which will purge the system of its earlier excesses and prepare the way for vigorous long-term growth with full employment and price stability in free markets. One must face up to the bitter truth that only so long as the economy is depressed are we likely to be free of inflation; once high employment is again attained, inflationary pressures will again assert themselves.

This fact has vital implications for policy. It means we ought not to try to stagnate ourselves into international balance of payments equilibrium. It argues against paying too heavy a price in terms of unemployment now in the delusory belief that this noble sacrifice will purchase lasting immunity to inflation. Finally, it means that our troubles are by no means over when that day comes when we finally have clearly turned the corner in favor of vigorous forward expansion.

VISIT OF PREMIER OF ISRAEL

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, the United States today is playing host to the premier of Israel, Golda Meir, who is coming here on a most important and historic mission. She is coming here to try to put in proper perspective the problems that face Israel today as the Soviet Union continues to drive for expansion in the Middle East. I am sure that all of our hearts and prayers go out for a fruitful meeting between Mrs. Meir and the President of the United States, the Secretary of State, and the entire American administration, for indeed, Mr. Speaker, it is most important that we Americans realize what is happening in the Middle East today. This is not just a skirmish between Israel and the Palestinian guerrillas. What we are seeing today in the Middle East is a major offensive by the Soviet Union to set up a cordon sanitaire of pro-Soviet captive nations in the Middle East which will then dominate the Middle East and the countries of Africa and that whole part of the world. So I am sure that all Americans pray that America will respond to Mrs. Meir's request for additional arms and funds. Israel today is carrying the burden of a \$1.5 billion defense budget, and this is for a nation of 2.3 million people. Israel is the only country that today has the courage to stand up to Soviet aggression in the Middle East. I am sure the American people would support giving that beleaguered country all the aid that they need today. Israel has not asked for a single American soldier. They do not even want American mechanics to service the airplanes that they are buying from us. They want no American involvement in terms of personnel. All that they want is the tools with which to defend their country, and I think that the American people are in a mood to give the Israeli people what they need to stop Soviet aggression in the Middle East.

IS THE CHOICE ALREADY LIMITED TO "THE POLICEMAN'S CLUB OR THE ANARCHIST'S BOMB?"

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. WALDIE. Mr. Speaker, I include with my brief remarks a recent newsletter which I am sending to my California constituents. The senseless, vicious, and ugly terroristic attacks presently being leveled against our society and its policemen pose intolerable threats to the maintenance of our free and open system of government. I seek to discuss that threat in the following newsletter:

NEWSLETTER No. 7, SEPTEMBER 1970

Vice President Agnew defined most clearly in a recent speech to the American Legion, a desperate choice that conceivably could be confronting the American people due to the wave of ugly and senseless violent attacks on our Society and its Institutions and Policemen.

"Confronted with a choice," the Vice President said, "the American people would choose the Policeman's club over the Anarchist's bomb." And, assuredly he is right. If we are in fact reduced to that choice by the increasing numbers of guerilla assaults on our institutions and on our police, there is no question that Americans will choose the "order and security" that result from a Totalitarian Society. That choice will be the death of a Free Society, but if bombings and assassinations can be controlled no other way a Free Society has met its death in any event.

It is that intolerable choice between two extreme evils that the madness of the radical extremists of the Left has placed before us. A measure of their dangerous insanity can be taken by a review of the violence of the past few months.

Thus far this year at least a dozen Policemen have been killed and more than 100 wounded in terrorist attacks. These attacks are characterized by guerrilla tactics—the officers have been ambushed, sniped at, boobytrapped and cold bloodedly shot down for no visible reason, such as the recent Berkeley assassination of a young policeman.

The Chief Deputy Attorney General of California, Charles O'Brien, recently reported that there had been 20 bombings a week in California, alone, for the last three months. The targets of these guerrillas appear to be any symbol of the American System, whether it be a Bank, University, a Draft Board, a Courtroom, a Police Station, or a Policeman.

The horror that took place in San Rafael this summer when a group of Black Militants invaded a courtroom and murdered the judge was later characterized by SDS leader, Tom Hayden as "one of the most important uprisings or acts of rebellion in the past 20 years."

The tendency of the Weathermen and Black Panther revolutionaries to romanticize ugly and vicious acts of violence as gestures of political protest should not be underrated. Their total acceptance of the false and dangerous philosophy that "the end justifies the means" is a measure of the real threat they pose to an orderly resolution of the desperate social problems confronting America.

The Black Panther who postures with the symbols of violence, the gun and ammunition belt, and who glories in the murder of a Policeman does the cause of racial justice no service. He seriously sets back those efforts.

Roy Wilkins, Executive Director of the

NAACP, recently commented on this theme: "A racial population cannot escape its public image when some of its members kill a Policeman in Chicago, snipe at Policemen in other cities and shoot two policemen in New York . . . more rapidly than appears on the surface, the whole race is being branded by the fanaticism of the few. It is time for millions of Negro Americans to act upon the preaching of Paul to the Thesalonians . . . 'withdraw yourselves from every brother that walketh disorderly.' " I pass no judgment on the justice of what Roy Wilkins discusses, but I believe he accurately portrays the consequences.

To indicate how perilously close we may already be to the unacceptable choice of "the Policeman's club or the Anarchist's bomb", the International Conference of Police Associations this July adopted a Resolution stating "we serve immediate notice that if government support is not forthcoming to stop these killings . . . we will be faced with two undesirable alternatives. All police officers represented by the International Conference of Police Associations will stand united together in all out retaliation against these senseless killings even if it is in the form of on-the-street justice against those persons, organized or otherwise, who injure or kill police officers, or we will collectively recommend to all of our representative members that they withhold their services until that necessary, definite, positive and tangible Government, Judicial and public support is forthcoming."

When the top Association of Law Enforcement officials in America threatens to revert to "on-the-street justice", the average American has a fairly clear signal of how perilously close we are to a rejection of our Free Society and its Constitutional safeguards of arrest, trial, conviction and punishment. And yet, this Association has clearly threatened to make the choice for the "Policeman's club", to which Vice President Agnew referred, because they believe the only other choice is the "Anarchist's bomb."

Is the choice then already limited to the two extremes of the "Policeman's club" or the "Anarchist's bomb?" Not in my view. To accept those choices as the only two solutions would be to accept the demise of a Free America.

I understand the Police Association in its belief that the choice is already that narrow. They are the primary targets of the Revolutionary Guerrillas. They are, in the warped minds of the Revolutionaries, the symbol of the society they so violently hate. And police have been, to our shame, too often relegated by a tax-conscious public, to inferior roles income-wise in our Society. Similarly, they bear the brunt of much of the turmoil in today's America. Not only must they uphold their customary and usual role of fighting crime, but now they must assume larger roles relating to the divisions in America between races, between students and the community, and all types of complicated and sensitive stresses and strains. Too often the Policeman is the one who receives the abuse from all and who must keep separate these contending and angry groups without involving himself as a partisan or supporter of either, and now he finds himself as a target for insane radicals. We ask much from our Policemen—and we give little.

He should know we respect his difficult role—he should know we recognize its vital importance to us—that if he performs it well, we will still survive as a Free Nation—that if he loses the will and desire to continue as a professional policeman that he can endanger this Freedom as can no other group of Americans. We really haven't told him, by voice or by action, that today his is the essential role in the constant effort to preserve and enlarge Freedom in America. Too often, he has been depicted as the instrument that jeopardizes Freedom. We can start, then, in an effort to find choices other

than the "Policeman's club or the Anarchist's bomb", by recognizing the vital and important role the Police will play in finding other choices.

We can start, also, by asserting that we believe other choices do exist and can be found. That we, as Americans, will not permit this unique Society to be destroyed by mindless advocates of violence. We can reject all apologists for individuals or organizations that countenance or engage in terroristic acts of violence against people or property. We can hope to isolate those movements from the rational community and deprive them of support, both monetary and ideological.

Although I have suggested some necessary changes in attitudes that I believe will be helpful in meeting this crisis, I also believe some specific actions are necessary. Space precludes discussion of those proposals, but I intend to devote the next Newsletter to those specifics.

Chief Justice Burger put it well: "It would be foolhardy not to be concerned about the turmoil and strife and violence we witness, much of it mindless and devoid of constructive ends. But concern must not give way to panic."

Sincerely yours,

JEROME R. WALDIE,
U.S. Congressman, 14th District.

SALUTE TO GUST STEINMANN, VOLUNTEER WEATHER OBSERVER

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. HANSEN of Idaho. Mr. Speaker, I am happy to call the attention of my colleagues to the deserved recognition recently given to one of Idaho's citizens for his long and faithful service as a volunteer weather observer. For 36 years, Gust Steinmann of Ashton, Idaho, has made and recorded daily weather observations in his community. For his service he has been selected to receive the Weather Bureau's John Campanius Holm Award. Since 1934, Steinmann has rendered a service of great value to the people of Ashton and to the Weather Bureau by observing and making an accurate record of the weather in the area.

Mr. Speaker, I include as a part of my remarks a news release describing Mr. Steinmann's service and the John Campanius Holm Award:

SALUTE TO GUST STEINMANN

WASHINGTON.—Gust Steinmann of Ashton, Idaho, a volunteer weather observer for the Weather Bureau since 1934, is one of 25 volunteer weather observers selected nationwide to receive the John Campanius Holm Awards, according to the Environmental Science Services Administration (ESSA) of the Department of Commerce.

These awards, created in 1959 by ESSA's Weather Bureau, are presented annually to honor volunteer observers for outstanding accomplishments in the field of meteorological observations. The award is named for John Campanius Holm, a Lutheran minister, who is the first person known to have taken systematic weather observations in the American colonies. In 1644 and 1645, the Reverend Holm made records of the climate without the use of instruments near the present site of Wilmington, Del.

Steinmann, a retired farmer, was recognized for outstanding and faithful service

in maintaining a continual record of weather observations at Ashton since April 1934. Last year Steinmann was also the recipient of a 35-year service award pin.

The Weather Bureau has more than 12,000 volunteer observers throughout the United States who make and record daily weather observations. The information they gather is processed and published by the Environmental Data Service, another ESSA component, and is invaluable in recording the climate of the Nation. Many of these observers, like Steinmann, serve without pay.

SOCIAL RESPONSIBILITY OF BUSINESS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. CRANE. Mr. Speaker, the noted University of Chicago economist, Milton Friedman, recently delivered a lecture entitled "The Social Responsibility of Business" at a conference in Munich.

This very significant speech was subsequently reprinted in its entirety by the Chicago Tribune on September 13, 1970. So that my colleagues can share the insights of Professor Friedman, I insert the article in the CONGRESSIONAL RECORD at this point:

SOCIAL RESPONSIBILITY OF BUSINESS

(By M. Friedman)

When I hear businessmen speak eloquently about the "social responsibilities of business in a free enterprise system," I am reminded of the wonderful line about the Frenchman who discovered at the age of 70 that he had been speaking prose all his life.

The businessmen believe that they are defending free enterprise when they declaim that business is not concerned "merely" with profit but also with promoting desirable "social" ends; that business has a "social conscience" and takes seriously its responsibilities for providing employment, eliminating discrimination, avoiding pollution and whatever else may be the catch words of the contemporary crop of reformers.

In fact they are—or would be if they or any one else took them seriously—preaching pure and unadulterated socialism. Businessmen who talk this way are unwitting puppets of the intellectual forces that have been undermining the basis of a free society these past decades.

The discussions of the "social responsibilities of business" are notable by their analytical looseness and lack of rigor. What does it mean to say that "business" has responsibilities?

Only people can have responsibilities. A corporation is an artificial person and in this sense may have artificial responsibilities but "business" as a whole cannot be said to have responsibilities even in this vague sense. The first step toward clarity in examining the doctrine of the social responsibility of business is to ask precisely what it implies for whom.

Presumably the individuals who are to be responsible are businessmen, which means individual proprietors or corporate executives. Most of the discussion of social responsibility is directed at corporations, so in what follows I shall mostly neglect the individual proprietor and speak of corporate executives.

In a free enterprise private property systems, a corporate executive is an employee of the owners of the business. He has a direct responsibility to his employers.

That responsibility is to conduct the business in accordance with their desires, which generally will be to make as much money as possible while conforming to the basic rules of the society, both those embodied in law and those embodied in ethical custom.

Of course, in some cases his employers may have a different objective. A group of persons might establish a corporation for an eleemosynary purpose—for example, a hospital, or a school. In this case the manager of the corporation will not have money profit as his objective but the rendering of certain services.

In either case, the key point is that, in his capacity as a corporate executive, the manager is the agent of the private individuals who own the corporation or establish the eleemosynary institution, and this primary responsibility is to them.

Needless to say, this does not mean that it is easy to judge how well he is performing his talk. But at least the criterion of performance is straightforward, and the persons among whom a voluntary contractual arrangement exists are clearly defined.

Of course, the corporate executive is also a person in his own right. As a person, he may have many other responsibilities that he recognizes or assumes voluntarily—to his family, his conscience, his feelings of charity, his church, his clubs, his city, his country etc.

He may feel impelled by these responsibilities to devote part of his income to causes he regards as worthy, or to refuse to work for particular corporations, or even to leave his job, for example, to join his country's armed forces.

If we wish, we may refer to some of these responsibilities as "social responsibilities." But in these respects he is acting as a principal, not an agent; he is spending his own money or time or energy, not the money of his employers or the time or energy he has contracted to devote to their purposes. If these are "social responsibilities," they are the social responsibilities of individuals, not of business.

What does it mean to say that the corporate executive has a "social responsibility" in his capacity as businessman? If this statement is not pure rhetoric, it must mean that he is to act in some way that is not in the interest of his employers.

For example, that he is to refrain from increasing the price of the product even though that would be in the best interests of the corporation in order to contribute to the social objective of preventing inflation. Or, that he is to make expenditures in reducing pollution beyond the amount that is in the best interests of the corporation or that is required by law in order to contribute to the social objective of improving the environment. Or he is to hire "hard-core" unemployed instead of better qualified available workmen at the expense of corporate profits to contribute to the social objective of reducing poverty.

In each of these cases, the corporate executive would be spending someone else's money for a general social interest. Insofar as his actions in accord with his "social responsibility" reduce returns to stockholders, he is spending their money. Insofar as his actions raise the price to customers, he is spending the customers' money. Insofar as his actions lower the wages of some employees, he is spending their money.

In each case, the stockholders or the customers or the employees could separately spend their own money on the particular action if they wished to do so. The executive is exercising a distinct "social responsibility," rather than serving as an agent of the stockholders or the customers or the employees, only if he spends the money in a different way than they individually would have spent it.

But if he does this, he is in effect imposing taxes, on the one hand, and deciding on how the tax proceeds shall be spent, on the other.

This process raises political questions on two levels: principle, and consequences. On the level of political principle, the imposition of taxes and the expenditure of tax proceeds are governmental functions.

We have established elaborate constitutional, parliamentary, and judicial provisions to control these functions, to assure that taxes are imposed so far as possible in accordance with the preferences and desires of the public—after all, "no taxation without representation" was one of the battle cries of the American Revolution.

We have a system of checks and balances to separate the legislative function of imposing taxes and enacting expenditures from the executive function of collecting taxes and administering expenditure programs from the judicial function of mediating disputes and interpreting the law.

Here the businessman—self-selected or appointed directly or indirectly by stockholders—is to be simultaneously legislator, executive, and judiciary. He is to decide whom to tax by how much, and for what purpose, and he is to spend the proceeds—all this guided only by general exhortations from on high to restrain inflation, improve the environment, fight poverty and so on and on.

The whole justification for permitting the corporate executive to be selected by the stockholders is that the executive is an agent serving the interests of his principal. This justification disappears when the corporate executive imposes taxes and spends the proceeds for "social" purposes. He becomes in effect a public employee, a civil servant, even though he remains in name an employee of a private enterprise. On grounds of political principle, it is intolerable that such civil servants—insofar as their actions in the name of social responsibility are real and not just fraudulent window-dressing—should be selected as they now are. If they are to be civil servants, then they must be selected through a political process. If they are to impose taxes and make expenditures to foster "social" objectives, then political machinery must be set up to guide the assessment of taxes and to determine through a political process the objectives to be served.

This is the basic reason why the doctrine of "social responsibility" involves the acceptance of the socialist view that political mechanisms—not market mechanisms—are the appropriate way to determine the allocation of scarce resources to alternative uses.

On the grounds of consequences, can the corporate executive in fact discharge his alleged "social responsibilities"? On the one hand, suppose he could get away with spending the stockholders' or customers' or employees' money. How is he to know how to spend it? He is told that he must contribute to fighting inflation. How is he to know what actions of his will contribute to that end? He is presumably an expert in running his company—in producing a product or selling it or financing it. But nothing about his selection makes him an expert on inflation. Will his holding down the price of his product reduce inflationary pressure? Or, by leaving more spending power in the hands of his customers, simply divert it elsewhere? Or, by forcing him to produce less because of the lower price, will it simply contribute to shortages? Even if he could answer these questions, how much cost is he justified in imposing on his stockholders, customers, and employees for this social purpose? What is his appropriate share and what is the appropriate share of others?

And, whether he wants to or not, can he get away with spending his stockholders', customers', or employees' money? Will not

the stockholders fire him? (Either the present ones or those who take over when his actions in the name of social responsibility have reduced the corporation's profits and also the price of its stock.) His customers and his employees can desert him for other producers and employers less scrupulous in exercising their social responsibilities.

This facet of "social responsibility" doctrine is brought into sharp relief when the doctrine is used to justify wage restraint by trade unions. The conflict of interest is naked and clear when union officials are asked to subordinate the interests of their members to some more general social purpose.

If the union officials try to enforce wage restraint, the consequence is likely to be wildcat strikes, rank and file revolts, and the emergence of strong competitors for their jobs. We thus have the ironic phenomenon that union leaders—at least in the U.S.—have objected to government interference with the market far more consistently and courageously than have business leaders.

The difficulty of exercising "social responsibility" illustrates, of course, the great virtue of private competitive enterprise—it forces people to be responsible for their own actions and makes it difficult for them to "exploit" other people for either selfish or unselfish purposes. They can do good—but only at their own expense.

Many a reader who has followed the argument this far may be tempted to remonstrate that it is all well and good to speak of government's having the responsibility to impose taxes and determine expenditures for such "social" purposes as controlling pollution or training the hard-core unemployed, but that the problems are too urgent to wait on the slow course of political processes, that the exercise of social responsibility by businessmen is a quicker and surer way to solve pressing current problems.

Aside from the question of fact—I share Adam Smith's skepticism about the benefits that can be expected from "those who affected to trade for the public good"—this argument must be rejected on grounds of principle.

What it amounts to is an assertion that those who favor the taxes and expenditures in question have failed to persuade a majority of their fellow citizens to be of like mind and that they are seeking to attain by undemocratic procedures what they cannot attain by Democratic procedures.

In a free society, it is hard for "good" people to do "good," but that is a small price to pay for making it hard for "evil" people to do "evil," especially since one man's good is another's evil.

I have, for simplicity, concentrated on the special case of the corporate executive, except only for the brief digression on trade unions. But precisely the same argument applies to the more recently popularized version calling upon stockholders to require corporations to exercise social responsibility (the recent much publicized GM crusade). In most of these cases, what is in effect involved is some stockholders trying to get other stockholders (or customers or employees) to contribute against their will to "social" causes favored by the activists. Insofar as they succeed, they are again imposing taxes and spending the proceeds.

The situation of the individual proprietor is somewhat different. If he acts to reduce the returns of his enterprise in order to exercise his "social responsibility," he is spending his own money, not some one else's. If he wishes to spend his money on such purposes, that is his right and I cannot see that there is any objection to his doing so.

Of course, the doctrine of social responsibility is in large part a cloak for actions that are justified on other grounds rather than a reason for those actions.

To illustrate, it may well be in the long-run interest of a corporation which is a ma-

nor employer in a small community to devote resources to providing amenities to that community or to improving its government. That may make it easier to attract desired employees, for example—i.e., it may reduce its wage bill; or it may lessen losses from pilferage and sabotage; and so on.

Or it may be that, given present laws about the deductibility of charitable contributions by corporations, the stockholders can contribute more to charities they favor by having the corporation do the contributing than by doing it themselves, since they can in that way contribute an amount that would otherwise have been paid as corporate taxes.

In each of these—and many similar—cases, there is a strong temptation to rationalize these actions as an exercise of "social responsibility." In the present climate of opinion, with its widespread aversion to "capitalism," "profits," the "soul-less corporation" and so on, this is one way for a corporation to generate good-will for itself as a by-product of expenditures that are entirely justified in its own self-interest.

It would be inconsistent of me to call on corporate executives to refrain from this hypocritical window-dressing because it harms the foundations of a free society. That would be to call on them to exercise a "social responsibility"!

If our institutions, and the attitudes of the public make it in their self interest to cloak their actions in this way, I cannot summon much indignation to denounce them. At the same time, I can express admiration for those individual proprietors or owners of closely-held corporations or stockholders of more broadly held corporations who disdain such tactics as approaching fraud.

Whether blameworthy or not, the use of the cloak of social responsibility, and the drive spoken in its name by influential and prestigious businessmen, does clearly harm the foundations of a free society.

I have been impressed time and again by the schizophrenic character of many businessmen.

They are capable of being extremely farsighted and clear-headed in matters that are internal to their own business. They are incredibly short-sighted and muddle-headed in matters that are outside their own business but affect the possible future survival of business in general. This short-sightedness is strikingly exemplified in the calls from many businessmen for wage and price guidelines or controls or incomes policies. There is nothing that could do more in a brief period to destroy a market system and replace it by a centrally controlled system than effective governmental control of prices and wages.

The short-sightedness is exemplified equally in the speeches by businessmen on social responsibility. This may gain them kudos in the short run. But it helps to strengthen the already too prevalent view that the pursuit of profits is wicked and immoral and must be curbed and controlled by external forces. Once this view is adopted, the external forces that curb the market will not be the social conscience, however highly developed, of the pontificating executives; it will be the iron fist of government bureaucrats. Here as with price and wage controls, businessmen seem to me to reveal a suicidal impulse.

The political principle that underlies the market mechanism is unanimity. In an ideal free market resting on private property, no individual can coerce any other individual; all cooperation is voluntary; all parties to such cooperation benefit, or they need not participate. There are no "social" values, no "social" responsibilities in any sense other than the values and responsibilities of individuals. Society is the collection of individuals and of the various groups they voluntarily form.

The political principle that underlies the

political mechanism is conformity. The individual must serve a more general social interest—whether that be determined by a church, or a dictator, or a majority. The individual may have a vote and a say in what is to be done, but if he is over-ruled, he must conform. It is appropriate for some to require others to contribute to the general social purpose whether they wish to or not.

Unfortunately, unanimity is not always feasible. There are some respects in which conformity appears unavoidable, so I do not myself see how one can avoid the use of the political mechanism altogether.

But the doctrine of "social responsibility" taken seriously would extend the scope of the political mechanism to every human activity. It does not differ in philosophy from the most explicitly collectivist doctrine. It differs only by professing to believe that collectivist ends can be attained without collectivist means. That is why I have called it a "fundamentally subversive doctrine" in a free society, and have said that in such a society, "there is one and only one social responsibility of business—to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the game, which is to say, engages in open and free competition, without deception or fraud."¹

THE LEGISLATIVE PROCESS AS IT RELATES TO PROVISION OF MENTAL HEALTH SERVICES FOR CHILDREN

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. FLOOD. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address before the Joint Commission on Mental Health of Children, and the board of directors of the Foundation for Child Mental Welfare, Inc.:

ADDRESS BY CONGRESSMAN DANIEL J. FLOOD (PENNSYLVANIA) BEFORE THE JOINT COMMISSION ON MENTAL HEALTH OF CHILDREN, AND THE BOARD OF DIRECTORS OF THE FOUNDATION FOR CHILD MENTAL WELFARE, INC.

Dr. Lourie, ladies and gentlemen: I am delighted to have this opportunity, as chairman of the House Appropriations Labor-HEW Subcommittee, to talk informally with you today about the legislative process as it relates to provision of mental health services for children.

No one in this room has any doubts about the need for these services. With very few exceptions, communities across the United States recognize the fact that their methods of providing for the well-being of young people in the population are almost totally inadequate—certainly as they affect children who are emotionally disturbed or mentally ill.

Before I comment on the legislative opportunities and responsibilities that face us in 1970, I'd like to emphasize one extremely sobering fact. At least one whole generation of Americans has been born and has reached adulthood while we have been talking about mental health services for children.

It is therefore quite obvious that—although we have made gains through use of the legislative process at the local, State and Federal levels—our pace has been much too slow. I am sure that you have come to

¹M. Friedman, *Capitalism and Freedom* (University of Chicago Press, 1962), p. 133.

Washington for this briefing with the knowledge that we can no longer talk about tomorrow's children, or the children of the 21st century. We must translate talk into action to help Americans who are children of the 1970's.

The Joint Commission on the Mental Health of Children recognized this fact when it titled its report crisis in child mental health. Because of the unrest and confusions of the times, it is difficult for any of us to react effectively to the word "crisis"; we face so many crises that the impact of the word has been diffused. But in the face of all our woes, the legislative process continues to operate and we now have a foundation on which to build a nationwide program of mental health services for children—if you will.

Earlier this year, the Congress adopted the 1970 amendments to the Community Mental Health Centers Act. These amendments are now a part of the law of the land. For the first time, they establish a base for federal support to meet the mental health needs of the children within our population.

In September of 1969, following the publication of your commission's report, the National Advisory Mental Health Council unanimously recommended that the National Institute of Mental Health reorder its priorities to increase support of development of mental health services for children. In recent weeks, the Secretary of Health, Education, and Welfare has placed the highest priority of development of programs to provide for the needs of children from birth through age five.

This commitment will involve many public and private organizations and programs. It will be concerned with issues ranging from basic research to all types of education and such so social considerations as material and child care, nutrition, urban planning, environmental control, inter-group conflict, prejudice and violence.

To aid in these efforts, the Congress included in the 1970 community mental health amendments the methods to provide grants for construction, staffing, training and evaluation of programs of mental health services for children.

There is also a special requirement that providers of children's services make available a "full range of treatment, liaison, and follow-up services" for all children and their families in their respective service areas; and that, upon request, they provide consultation and education for all school personnel and other community agencies serving children.

Every one of us knows that in most communities under present conditions, disturbed children too often get lost, and fall between the cracks of jurisdictional liaison among community agencies. Therefore, the terms of the new children's services program have been established to provide for what you might call a children's ombudsman, or a children's advocate, to keep children from becoming lost among the agencies.

The 1970 Mental Health Amendments, therefore, have been designed by the Congress to provide for immediate expansion in social and preventive—as well as treatment—services.

Under the terms of this statute, staff members in community mental health programs can be the first group within a community to develop the care of the total child by communicating with every relevant agency in each community, through expert and effective consultation.

The 1970 mental health amendments provide a sound basis for federally-supported children's services. At long last, the legislative process has established long-term ground rules which—on the basis of discrete experience within communities—can meet our objectives.

However, congressional action is only one

part of a legislative process which has become more and more complex as each national need competes for Federal support.

An affirmative vote is only part of the victory. That victory must be implemented by the appropriation of funds. And the methods by which any appropriation is distributed are adopted as the result of compromise among many factors and many variables.

In relation to our development of mental health services for children, we now face a resolution of the problems of support.

I think we can all agree that the community mental health centers support program has been accepted as the principal and best vehicle to insure development of children's services. We have not as yet agreed on the amount of funds to be appropriated; neither has there been agreement on the kind of grants program which will be made available to the States and communities.

Certainly, legislation is implemented by the appropriation of funds. But I would like to suggest that the separation of the legislative and appropriation procedures is artificial. We are dealing with something larger than a specific statute and a specific appropriation. We are concerned with every component of a process to assemble and increase the Nation's resources and channel them into children's mental health service programs that provide real help to living children.

This is easy to say; it is not so easy to establish the mechanisms to achieve the goal.

Let's take a look at our specific problems. As adopted by the Congress, the Mental Health Amendments of 1970 provide for the establishment of a new grants program for children's services. This grants mechanism is identical to provisions adopted earlier for community programs to control abuse of alcohol, narcotics and other drugs—however, the administration has stated that a new program of categorical grants runs counter to current efforts to simplify and coordinate the Federal grants programs.

I would like to remind you that advocates of categorical grants and advocates of block or program grants have been debating the relative merits of each for years. At times, the Congress and the administration reach agreement; at other times, they switch sides.

You will remember one of the most dramatic examples of this debate, if you think back to the 1950's, when the advent of the tranquilizers and other psychoactive drugs captured the interest and imagination of the American public, and citizen advocates went all out in demands that the Congress implement a crash program in search of a "magic pill."

At that time, the National Institute of Mental Health favored a block appropriation for research; the Congress eventually approved a program of earmarked funds for specific categories of research, and the administration concurred.

Once the basic rules were handed down, the NIMH went to work under its directives to achieve a period of major breakthroughs in the control and treatment of mental illness through the use of drugs.

I submit that the situation confronting us in terms of support of children's mental health services is analogous—at least in part—to the 1950's debate over support of drug research. There are, however, some striking differences.

In the 1950's the Federal Government embarked on a massive support program in medical and health related research. There was, of course, during those years, the never-ending competition for the Federal dollar. But the competition—in 1970—has become much more evident and much more difficult to resolve.

The reasons are many and there is no time to review the whole laundry list of

needs and deeds. The fact of the matter is that the administration has established a pattern of fiscal restraints affecting all Federal funding. Any support program for children's mental health services must be responsive to those constraints. And the degree of response must be worked out—in relation to each and every support program—between the Congress and the budgetary officials of the administration.

Everyone concerned could dig in his heels and go on stubbornly advocating one or another favorite method of providing support. If this happens, funds appropriated for children's mental health services will probably remain right where they are now—which is a total of zero dollars. It matters far less whether grant support is administered through a separate category for children's services, or whether the appropriation is made in support of the basic community mental health centers funding program, in either instance, it will be possible at least to begin to provide actual services.

I would like to repeat that our concern is to pull together every available resource. That is our primary purpose and we must not lose sight of it. In utilizing the legislative process to achieve our purpose, the need is so great that we must afford to be flexible. We can assemble resources through legislation, or appropriation or through a hybrid process. None of us, in the face of the need, has the right to be doctrinaire about methodology when it relates to the well-being of our youngsters.

And this brings me to one more comment in conclusion. We are all keenly aware that we have no national system for providing health care to the population. We are now in the painful process of recognizing that fact—out loud—and putting forward various proposals to improve the delivery of health care.

Central to all our discussions is the ever-present problem of the sharing of support by the Federal Government, the States, the city and community governments and the private sector. Since 1963, when the Community Mental Health Centers Act was originally adopted, the mental health community—professional and concerned citizens alike—have demonstrated a substantial degree of success in identifying and bringing into play a wide variety of resources. They range from the use of volunteer manpower to the commitment of sizable amounts of money.

Therefore, it seems to me, we can now focus our demonstrated abilities to assemble a mental health working partnership on the needs of children. And more to the point, we who are now in positions of responsibility have no valid excuse to demur over details of method.

The establishment of children's mental health services is a do-it-yourself program for our generation. Legislative processes today have their faults; but when adversaries become joint advocates, the process works. Representative government is based on legislative process; what we must remember is that we, as adults, must represent our children. And in terms of their mental health, any talk about a generation gap is just so much twaddle, until our generation puts into practice the services we already know how to provide.

WOMEN'S EQUALITY ACT OF 1970

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. MIKVA. Mr. Speaker, on June 30 of this year I introduced, with five co-

sponsors, H.R. 18278, the Women's Equality Act of 1970, which was referred to the Committee on the Judiciary on which I have the privilege to serve. The purpose of that bill was to carry out legislative recommendations of President Nixon's Task Force on Women's Rights and Responsibilities.

In one respect the Women's Equality Act goes beyond the Task Force recommendations by applying the protections of the Federal Fair Housing Act—title VIII of the 1968 Civil Rights Act—to women seeking to buy, rent, or finance housing.

Today on behalf of myself and 15 additional Members, I am reintroducing the Women's Equality Act of 1970. In addition to those five Members who joined me in cosponsoring H.R. 18278—Mrs. HANSEN of Washington, Mr. JACOBS, Mr. KOCH, Mrs. MINK, and Mr. SYMINGTON—the following Members are now cosponsoring this important legislation:

Mr. BROWN of California, Mr. EILBERG, Mr. HALPERN, Mr. HARRINGTON, Mr. HECHLER, Mr. HELSTOSKI, Mr. MATSUNGA, Mr. NICHOLS, Mr. O'HARA, Mr. OTTINGER, Mr. PODELL, Mr. ROSENTHAL, Mr. ROYBAL, Mrs. SULLIVAN, and Mrs. CHISHOLM.

I should point out, Mr. Speaker, that passage by this House of House Joint Resolution 264—equal rights for women constitutional amendment—on August 10 of this year does not lessen the urgency of statutory measures on the subject of women's rights. In the first place, there is now some doubt whether the other body will be willing to act during the remainder of this Congress on House Joint Resolution 264. In another sense, moreover, passage of a constitutional amendment to provide equal rights to women actually increases the urgency of statutory action. Even if the amendment is passed by the Senate this year and quickly ratified, it will raise complex legal questions concerning existing Federal and State laws which treat men and women differently. These problems will take years to resolve through litigation and might render the promise of the equal rights for women amendment illusory for at least a decade.

More important, the equal rights for women amendment prohibits only official discrimination by governments. The Women's Equality Act, like existing civil rights laws, prohibits private discrimination in the important areas of housing and access to public accommodations, and expands the protections of Federal equal employment opportunity law.

I might take 1 additional minute, Mr. Speaker, to clarify a point which has been raised by a number of my colleagues. During the debate in the other body on the potential effects of the equal rights for women constitutional amendment, some opponents of that measure have raised objections that the amendment will require the abolition of separate restroom facilities for men and women in public buildings. Some Members of this House have raised similar doubts about those provisions of the Women's Equality Act which authorize the Attorney General to intervene in cases of public importance to eliminate sex discrimination in public facilities.

It is, of course, an old high-school debating trick to demean an idea by dreaming up ridiculous consequences. Those who play the "reductio ad absurdum" game ought to at least look at the work of the statute before they shoot. I find myself doubtful that any court will hold that separate restroom facilities for men and women constitute a denial of "equality of rights under the law," to use the words of the amendment. No one, insofar as I am aware, has ever argued that separate men's and women's restrooms are provided to deny either sex any right at all. They are provided, obviously enough, for the convenience of both sexes.

In the case of the Women's Equality Act, the bill authorizes the Attorney General to intervene in important suits where sex discrimination has occurred in public facilities, but only, and I emphasize only, when a court has found that such discrimination has deprived the victim of "equal protection of the laws." The "equal protection of the laws" standard, we all recognize, is taken from section 1 of the 14th amendment. To my knowledge, no court has ever held—nor is any court likely to—that separate restroom facilities for men and women deny to either sex "equal protection of the laws." The section, in short, creates a new and additional remedy, but not a new right. Critics of women's equality measures ought to be able to find something more substantive to say than the specious argument that all restrooms are going to become coeducational.

At this point I include a brief summary of the provisions of the Women's Equality Act of 1970:

WOMEN'S EQUALITY ACT OF 1970

Women's Equality Act of 1970 (H.R. 18278) implements the recommendation of the Presidential Task Force on Women's Rights and Responsibilities ("A Matter of Simple Justice"), April 1970, by—

1. amending title II of the Civil Rights Act of 1964 to add sex as a prohibited basis for denying equal enjoyment of the "goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation" as defined in the Act;
2. authorizing the Attorney General to bring suits to end sex discrimination in public facilities and in public education;
3. enlarging the jurisdiction of the U.S. Commission on Civil Rights to include discrimination based on sex;
4. amending title VI of the Civil Rights Act of 1964 to prohibit sex discrimination among the beneficiaries of any federal program;
5. amending the federal fair housing statute (title VIII of the 1968 civil rights act) to prohibit sex discrimination in the rental, sale, or financing of housing;
6. prohibiting intimidation of any citizen because of exercise of rights against sex discrimination;
7. amending the federal Fair Labor Standards Act to apply its equal pay provisions to women in executive, administrative and professional positions;
8. authorizing grants by the Secretary of HEW to State Commissions on the Status of Women;
9. requiring legislative recommendations from the Secretary of HEW to equalize treatment of men and women (a) as dependents and survivors of social security beneficiaries, (b) as recipients of child care services under the Family Assistance Act, and (c) as taxpayers under the Internal Revenue Code;

10. requiring the Commissioner of Education to conduct a nationwide survey of denials of educational opportunity to women and submit to Congress legislative recommendations to eliminate such denials; and

11. amending the Equal Employment Opportunity title of the Civil Rights Act of 1964 to (a) covering hiring by State and local governments, (b) remove the exemption of educational institutions in hiring instructional employees, and (c) empower the Equal Employment Opportunity Commission to issue cease-and-desist orders.

POPULATION AND POLLUTION

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. ZWACH. Mr. Speaker, many people are vitally concerned with our rising population growth here in America.

They believe this growth is an environmental problem and urge "zero population growth" as the solution.

Mr. Speaker, with your permission, I would like to commend to you, to my colleagues, and to all of those who read the CONGRESSIONAL RECORD, an editorial, "Population and Pollution," which appeared recently in the St. Cloud Visitor.

The editorial follows:

POPULATION AND POLLUTION

An increasing number of Americans are concerned over the pollution of our air and water and the needless waste of our natural resources. Advocates of population control are using this concern as a means to stampede us into a policy of "zero population growth." They claim that our environment and our survival are being threatened by a "population explosion."

The population explosion in the United States is a myth. During 1959, U.S. population was growing at a modest rate of 1.8 percent per year. By 1969, this rate had fallen to 1 percent per year. The United States with its vast agricultural and industrial productivity, has a population density which is 1/4th that of water-logged Holland and 1/4th that of mountainous Switzerland.

Furthermore, there is no evidence to support the assumption that moderately growing population causes pollution and waste of resources. Pollution and waste is the result of greed, materialism and expediency. Today, the United States has 8 percent of the world's population but causes 50 percent of the world's pollution.

People can cause pollution; but properly motivated, people can cure pollution. Those who demand severe reduction of the birth rate in the United States as a remedy for pollution are actually doing a disservice to the cause of conservation. They are distracting our attention from the real cause of our problem, namely, our lack of a true spirit of stewardship. If we adopt such a policy, our nation could support many times its present population. If we continue to act in a greedy, irresponsible way, even half of our present population will quickly make our environment uninhabitable.

It is true that some natural resources, such as petroleum, are unrenovable. When such a resource is exhausted, the number of people in our nation will not be so important as their ability to develop alternate resources; for example, to replace petroleum with atomic power as a source of energy.

It is also important to note that most natural resources renew themselves. Properly

conserved, they will never be exhausted. Moreover, when the proper interaction among the earth's plants, animals and resources is maintained, one species' wastes becomes the other species' support; for example, plants need the carbon dioxide generated by animals and animals need oxygen released by plants; and the decaying remains of one generation of plants and animals becomes the nourishment of the next generation.

The ideal role for mankind in this intricate "web of life" is not to abstain from using plants, animals and natural resources; rather, it is to use them intelligently and responsibly. For example, a well tended farm with landscaping and properly tilled fields is more beautiful than untended land covered with a mixture of weeds and trees; a properly managed forest is much more productive, much less susceptible to forest fires than a forest in its wild state.

Let us return to the alleged "population explosion" in the United States. The distribution of population in our nation is a greater problem than the absolute number of people. Presently, 70 percent of our population is crowded onto 2 percent of our land. During the past 8 years, one out of three counties in the United States lost population. Thus, in these hundreds of counties there is a population problem; but the problem is too few, not too many people. A most constructive step, therefore, would be organized efforts to restore a more rational rural-urban population balance in our nation.

Equally serious is mal-distribution of wealth in the United States. If our great production of goods and services was more equitably shared by our citizens, we could comfortably support a much larger population. A crisis mentality over an alleged "population explosion" will only distract us from the more urgent task of observing interracial and social justice. The nation's poor have good cause to be fearful that the net result of the "zero population" push will be a worsening of their already tragic condition.

Let us now direct our attention to the most serious objection to the present campaign for zero population growth. This is a campaign against the existence of children, many millions of them. The argument is that, since someday we shall lack enough room, food and other necessities for our people, in the meanwhile, millions of wanted children should be denied the opportunity to live and eventually to enjoy eternal life. This is too great a price to pay, particularly when, as indicated above, the evidence offered for taking this desperate step is so flimsy. On the other hand, correcting the waste of resources and the mal-distribution of population and of wealth would bring about only good and morally desirable results.

It is true that some developing nations have resources so limited and populations growing so rapidly that a reduction of their population growth rate is urgently needed. However, even in these cases, proper care must be taken to employ only morally, medically and culturally acceptable means to limit conception.

The fundamental lesson to be derived from a study of ecology is the folly of disregarding the laws of nature and the delicate inter-relationships between mankind and nature. The true cause of our environmental crisis is our repeated resorting to unprincipled, short-range, expedient methods for accomplishing material, selfish goals. The same expediency is now being employed by the advocates of contraception, resulting in an erosion of the morality, health and esthetic values of our people. It is ironic when the same person demands that we avoid polluting our rivers and urges women to pollute their blood streams with powerful drugs contained in contraceptive pills.

There is an urgent need for a broadly

based means of population control which will be in harmony with the whole human personality, and with fundamental moral, social, esthetic and cultural needs of mankind. When such means are developed there will be little resistance to their adoption by those who need and want population control.

Concern for our environment is a great cause. It is reprehensible that population control advocates have decided to "use" it in a highly illogical manner to support proposals completely contradictory to the true implications of ecology. Such a tactic should be vigorously rejected so that sincere people can get on with their important task.

COMPREHENSIVE HEALTH PLANNING IN SOUTHERN CALIFORNIA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. SCHMITZ. Mr. Speaker, on August 11, when this House voted to approve H.R. 18110, the Comprehensive Health Planning and Services Act of 1970, I called attention to one of a series of reports in the Santa Ana, Calif., Register showing how comprehensive health planning is actually working in southern California. My experience with comprehensive health planning over the past 2 years, since the bill giving the power of legal compulsion to local Comprehensive Health Planning Associations was first introduced in the California State Legislature early in 1969, has made me vividly aware of its dangers and potential for abuse. Therefore, I submit the entire series of articles in the Santa Ana Register on comprehensive health planning in Orange County, Calif.—with the exception of the article already printed in the RECORD for August 11—together with a subsequent very significant news story on the same subject, for what I hope will be very careful review and consideration:

CHPA HOLDS COUNTY MEDICAL CARE SERVICE IN TIGHT GRIP (By Bill Gagnon)

SANTA ANA.—Unless its power thrust is halted, the Comprehensive Health Planning Association (CHPA) poses a death threat to freedom of choice in health care services in Orange County.

CHPA, created by federal and state legislation, has seized control of hospital planning and construction. And it is axiomatic among those in the health care field that he who controls the hospitals, ultimately controls the practice of medicine.

Powers vested in the 184-member CHPA allow it to:

Cut off all sources of state and federal funds such as Hill-Harris and FHA construction loans, Medicare, Medi-Cal, HEW, HUD, and the like, to any hospital, or proposed hospital, failing to receive CHPA endorsement.

Effectively reduce to a minimum private funding opportunities to those not approved and thus classified "poor loan risks."

Jeopardize negotiations of a rejected applicant to obtain Blue Cross-Blue Shield health insurance program recognition.

Prevent an unendorsed health care facility from obtaining a State Health Department or Mental Hygiene Department license.

Block any proposed license change status for an existing health care facility that has not received the CHPA's blessing.

In Orange County, the power of local health planners is beginning to surface with a devastating effect.

Wielding economic reprisal against anyone in its way, the so-called "voluntary" CHPA appears bent on smashing the free enterprise system in hospital care in its bid for control.

Its abuse of authority threatens to undermine and destroy long-established and highly respected hospitals not in its favor without regard for potentially dire consequences to the community and staggering financial loss to those involved.

The awesome power given this small pressure group of amateurs and a few professionals from the area allows it to dictate to hospitals and proposed hospitals:

The kind and type of equipment they can or cannot have.

What kind of medical services they may or may not offer.

Medical services they are required to provide indigents without regard for payment on demand.

When they may or may not build a new facility.

When they may or may not relocate an existing facility.

When they may or if they may remodel or expand their current facility.

The number and types of patient beds they may have.

This nightmare to the health care field had its beginning in 1966 with the enactment of Public Law 89-749 by the 89th Congress which went into effect July 1, 1967.

It required individual states to establish so-called health planning councils for the distribution of federal tax funds allocated to the states by the U.S. Surgeon General's Office.

In California, the council was created to operate in conjunction with the State Public Health Mental Hygiene departments.

Under AB-1340, passed by the legislature last year, "voluntary" regional—or area-wide—health planning agencies (councils) were established to oversee the construction, expansion or alteration of local hospitals.

While not having veto power, these agencies are permitted to "recommend" to the State Public Health and Mental Hygiene Departments, approval or its disapproval of proposals for the building of new hospitals or the expansion of existing facilities.

Regional councils are non-profit corporations made up of a group of counties on a board of directors comprised of "representatives of the public, local government and medical groups."

Each county belonging to the federation forms its own "voluntary" non-profit corporation under state and federal guidelines and is delegated the same powers of the regional council which include:

Review information on the current utilization of hospitals and related health facilities in its area.

Develop "guidelines" for community needs as to hospitals and health facilities.

Conduct public hearings for members of the health profession and the public to "discuss" medical needs in local areas.

Review any application for expansion, construction or alteration of hospitals or related medical facilities (extended care nursing, convalescent homes and the like.)

Recommend "action" on individual proposals in accordance with Health Planning Council procedures, including public hearings, admission of written or oral evidence along with cross examination of witnesses.

File a "written finding and recommendation" with the State Health and Mental Hygiene departments.

Technically, the Orange County CHPA is responsible to the Southern California Re-

gional Health Planning Council headquartered in Los Angeles.

But this maverick group circumvents the regional council and, in most instances, actually functions as an autonomous entity.

Counties belonging to this federation, in addition to Orange, are Los Angeles, Riverside, San Bernardino, Ventura, Santa Barbara, Mono and Inyo.

A "grandfather" clause in the law provides that anyone who, prior to Jan. 1, 1970, obtained state certification of intent to construct a new health care facility; or to relocate, change, alter or expand an existing one, is not required to have CHPA endorsement to commence such projects.

However, the economic sanction threat prevails for those proceeding with such plans invoking the grandfather clause without CHPA approval.

Also, the law provides that any proposal to construct a new health care facility after the Jan. 1 deadline is required to have CHPA endorsement to qualify for a State Health and Mental Hygiene department license.

Non-endorsement by the CHPA of such a proposal is tantamount to denial of the state license necessary to operate such a facility.

The concept in creating such agencies was to involve the public to the greatest extent possible in working with professionals to upgrade medical services and reduce its cost.

Unfortunately—by intent or accident—lawmakers failed to recognize certain inherent dangers in its makeup which pose a serious threat to one and all.

Recent events indicate that the very concept on which health planning was founded, ironically, is having a reverse effect with the public being denied its constitutional right to freedom of choice.

Other glaringly apparent weaknesses and pitfalls of this system are:

The failure of legislators to "buildin" adequate safeguards and controls into the law to prevent a wanton abuse of authority—especially on the local level—and manipulation of well-meaning persons by self-serving special interest groups or individuals with ulterior motives.

Little or no supervisory surveillance by state and federal authorities over the actions of local groups to assure high standards of conduct and fair and impartial treatment for all.

Investiture of quasi-judicial powers in local subcommittees comprised of individuals with little or no expertise in the law and without proper legal counsel to guide them.

(While an approved hearing officer and a certified court reporter are employed by the Orange County CHPA when conducting project reviews, this does little or nothing to assure applicants being afforded protection from ridicule, embarrassment, browbeating and other forms of harassment by bullying committee members.

Employing non-professional and unqualified personnel to analyze and evaluate hospital facilities, needs and equipment.

Failure to recognize and meet the lack of medical services and equipment which are of vital necessity to the public.

These and many other deficiencies in this new health care planning process depict ominous warnings of serious consequences to the public in the near future.

PAYERS OF FEES, CONTRIBUTORS GAIN APPROVAL FOR PROJECTS (By Bill Gagnon)

SANTA ANA.—At least three different schemes are employed by the local Comprehensive Health Planning Association (CHPA) to have others pick up the tab for its operations.

They include:
Feasting in the federal and county trough at taxpayer expense.

Arbitrarily forcing applicants to pay high

fees for proposed hospital or other health care facility project reviews.

"Encouraging" so-called "voluntary" cash handouts from area hospitals dependent upon its approval for survival.

During its first fiscal year which ended March 31, the local CHPA's official financial summary reflects a \$58,053.27 income, which includes \$39,500 in federal funds.

Another \$10,741 from the pockets of Orange County taxpayers in the form of "in-kind" contributions allocated by generous county supervisors also is included.

While federal rules restrict CHPA second year budgets to a 25 per cent maximum increase over the previous year, this has not deterred the local group from seeking a whopping \$187,000 total this year.

A spokesman for the group said this is being done by submitting two grant applications, one for more than \$100,000 and another for the balance of the total funds sought.

He said half of the total amount will be provided by the federal government and the remainder will come "from the community"—in both cases, the taxpayers.

Most of this impressive fund request is for an elaborate computer system for the CHPA's health information services subcommittee whose chairman is the director of computer facilities and information service at UCI.

Interestingly, this 17-member committee is composed of:

One part-time UCI faculty member.

Four full-time UCI faculty members.

Three officials of a local hospital closely associated with UCI.

And, of course, to operate such a complex system would require the hiring of additional CHPA salaried staff members such as a high-priced computer programmer, data systems technicians and a clerk-typist.

The financial report also disclosed that with local CHPA themselves \$10-per-patient-bed and "contributed" \$4,635 to the "encouragement," four area hospitals "voluntarily" assessed health planners.

Recently, at least two of these "voluntary contributors" appeared before the CHPA's health facilities and service subcommittee to submit progress reports and seek re-endorsement of previously approved construction and expansion projects.

Both received the subcommittee's blessing to continue with their proposed projects.

But neither local or regional health planning officials see anything wrong in accepting funds from institutions under their control.

"After all," said DeWitt Bishop, executive director of the regional health planning council in Los Angeles, "when you need money you go to your friends."

Any hospital or proposed health care facility is required by law to submit plans for construction, expansion, alteration, relocation or license change status to the CHPA's all-powerful health facilities and services subcommittee for approval.

Eligibility for an applicant to receive state or federal funds from any source such as Hill-Harris and FHA construction loans, Medi-Cal, Medicare, HEW and HUD, is contingent upon the subcommittee's endorsement of his proposal.

An applicant submitting a proposal for a new health care facility after Jan. 1, 1970, and denied endorsement by the committee, automatically is barred from receiving a State Health Department or Mental Hygiene Department license.

One of the CHPA's review gimmicks is that state and federal guidelines permit local health planners to charge applicants a \$350 filing fee plus one per cent of the total gross cost of the project up to a \$2,000 maximum for the hearing.

But no portion of the \$2,000 fee is refundable, even if the applicant's proposal fails to win CHPA endorsement.

Local planners also are given authority to waive such fees at their discretion, leaving the door wide open to preferential treatment for certain favored individuals or groups.

John M. Rau, health facilities subcommittee chairman, reported at the CHPA's annual meeting May 15 that his committee during its first year reviewed plans for eight acute (general) hospitals and approved six for construction.

He reported they also reviewed and approved one hospital license change; received a "number" of existing facilities for re-endorsement, and conducted two Hill-Harris "priority" reviews.

However, in the CHPA's financial summary only one \$350 hearing fee during the fiscal year is recorded.

This discrepancy was explained by John Traband, CHPA executive director, who said local health planners did not receive authorization from the state to charge fees for such hearings until the latter part of June.

Prior to this time, said Traband, such reviews were conducted by the CHPA as part of the duties it assumed in taking over the functions of the now defunct Hospital Planning Association of Orange County (HPA).

The HPA, he said, was funded with voluntary donations from various hospitals which sought its assistance and advice in construction, expansion, relocation and alteration planning.

The single \$350 fee recorded was brushed off by Traband as "possibly an advance fee" paid by an applicant scheduled to appear before the CHPA for review later this year.

An applicant failing to secure local CHPA approval of his proposal is permitted to appeal its decision to the regional council after depositing a \$500 "appeal fee."

Guidelines provide that any unused portion of this fee may be refunded to the applicant should the cost of handling the appeal be less than the amount on deposit.

In addition to the regular fees, an applicant initiating an appeal also is faced with more expense in purchasing a certified copy of the official hearing transcript which costs several hundred dollars, plus retaining legal counsel.

Ironically, the local CHPA, apparently by pre-arrangement with the official hearings reporter, is provided without charge a copy of the transcript ordered and paid for by the appellant.

And so, for the unfortunate applicant that runs afoul of the powerful tax-supported CHPA, the financial costs go on and on.

CHPA'S "PROFESSIONAL" STAFF ENDANGERS HOSPITALS

(By Bill Gagnon)

SANTA ANA.—The apparent inability of the Comprehensive Health Planning Association (CHPA) here to recognize the value of certain life-saving medical services and equipment reflects its potential danger to the public.

In tampering with the quality and quantity of health care, the CHPA is basing its discriminatory decisions sometimes on erroneous staff reports.

For example, in a recent "analysis" of proposed services and equipment planned by a local hospital, the CHPA "professional" staff:

Downgraded the use of renal-dialysis treatment to prolong and sustain the lives of chronic kidney failure victims because of its "excessive" cost.

Suggested cobalt therapy service be delegated to another area hospital which, the report implied, has "better" equipment and "trained" personnel for this purpose.

Questioned the "expertise" of highly respected and eminently qualified open heart surgical teams in performing such intricate life-saving operations.

Reported erroneous figures pertaining to the projected need of patient beds.

Implied a lack of need for a specialized burn treatment unit at the new proposed health care facility.

In renal—or "Hemo"—dialysis, an artificial kidney machine is used to filter out wastes from the blood which are detrimental to the health of human beings.

Without the availability of this treatment, chronic kidney failure victims—some of whom are awaiting kidney transplant surgery—are doomed, unless a medical breakthrough occurs to save their lives.

The CHPA staff report recognized that the cost of a renal dialysis machine is not "prohibitive" and, as an acute measure, this service is justified prior to renal transplant.

It also recognized the value of such treatment in saving lives in other instances, but noted a specially trained nurse is required to be in attendance as long as the machine is on a patient.

The report continued:

"Dialyzing a patient on a chronic basis means the machine is on the patient as long as he lives, for once the body gets used to the machine, the body cannot function without it.

(Chronic kidney failure patients are dialyzed on the average of two to three times a week according to need, not constantly.)

"To put a patient on a dialyzing machine continuously costs \$20,000 to \$25,000 (and) \$25,000 per year is considered by most patients prohibitive to spend each year for medical treatment; consequently most hospitals do not consider it to be standard medical practice to use dialysis treatment on a chronic basis."

(Again, the report fails to note that many health insurance plans and the state Medical program frequently pay for such treatment for kidney failure patients. In addition, assistance is available from other sources.)

But even more astounding in the staff report is a revelation that Orange County Medical Center (OCMC)—a tax-supported county hospital—"reserves the usage of its dialysis machine for only acute, life-saving measures. They do not use the machine for chronic cases."

It is, indeed, difficult to understand why the lives of chronic kidney failure victims are unnecessarily jeopardized by denial of use of taxpayer-owned equipment.

At least two of the four dialysis machines at OCMC were donated by the now-defunct Orange-Riverside Kidney Foundation, Inc., to the county facility for use in the UCI College of Medicine hemo-dialysis section which also is subsidized by the taxpayer.

No reference is made in the staff report to the 1,900 persons in California—about 150 of them in Orange County—who are in critical need of dialysis treatment.

Nor does it mention estimates supplied by the Artificial Kidney Foundation, Inc., of Southern California, of the 7,800,000 unfortunate victims nationwide who suffer from various types of kidney disease—9,000 of whom die each year because dialysis is not available to them.

Also neglected in the staff report is the fact that only five dialysis machines are available to chronic kidney victims in Orange County—all of them located at Palm Harbor General Hospital in Garden Grove.

The extent of unreliable information contained in the report is readily apparent by its failure to document the basis of its findings and also its failure to report the foregoing facts:

The hospital in question now, and has since 1964, provided cobalt therapy services at its radiology department which was installed in 1964—a year prior to the hospital "suggested" in the report—and under the supervision of highly trained experts.

It has operated a burn treatment unit for several years at no extra cost to patients which is in direct contrast to fees charged at OCMC for similar services.

Its open heart surgical teams are rated by other medical authorities as among the best and have established an enviable mortality rate considerably better than the national average.

It is the oldest and one of the most respected hospitals in Orange County and, indeed, in Southern California.

These and many other facts invalidate the report submitted by the CHPA staff.

As reported earlier, the concept for the creation and implementation of comprehensive health planning allegedly was to involve the public to the greatest extent possible in upgrading medical services and reducing costs.

It would seem that the limited availability and unreasonable cost of dialysis as opposed to its great need would in itself be a primary target for aggressive action by health planners to correct these deficiencies.

Yet, just the opposite is indicated in the staff analysis which smacks of a callous disregard for lives of these unfortunate victims of this fatal illness.

Consider, now, the "qualifications" and background of the local CHPA staff as given by John Traband, its executive director:

Traband: Holds master's degrees in public and business administration; all his work experience was in the aerospace industry before obtaining his present position less than a year ago. Annual salary, \$20,000.

Miss Laurie Schneider: A registered nurse, holds a master's degree in public health and is a "health educator" for the Orange County Health Department on loan full-time—at taxpayer expense—to the local CHPA as an "information and research analyst."

"Miss Karen Anderson: A reported UCI graduate listed by Traband as a "systems analyst" with some studies in sociology.

Fred Smith: A former member of the San Diego Chargers football team; attended New Mexico State College for two and one-half years; his principal duty, according to Traband, is "interface with the minority community."

Mrs. Gwen Ferguson: A Fullerton housewife; holds journalism and law degrees; recently resigned from the CHPA board of directors to accept a paid staff position as "consumer counselor" and public information and education coordinator.

Mary Poggi, \$15,000-a-year office manager.

A female clerk-typist.

These, then, are the individuals charged with the responsibility of conducting "expert" evaluations and analyses of hospital facilities and needs; critiques of surgical techniques and personnel, and judgments involving complex and highly sophisticated medical equipment.

And based on their reports and recommendations the future operations of long-established and highly respected hospitals hang in balance.

While the CHPA power structure is well aware of deficiencies, apparently little or nothing is being done to correct them.

SUSPENDED FOUNDATION LISTED "FUND SOURCE"

SANTA ANA.—A non-profit foundation—suspended for noncompliance of state law—is listed as a "fund source" in a \$1-million grant proposal filed by the Comprehensive Health Planning Association here.

In its application to regional officials for a \$517,100 five-year grant, the CHPA—which is required to show its source of matching funds—listed the Rau Foundation as a \$1,000 donor.

John M. Rau, chairman of the CHPA's powerful—and feared—health facilities and services committee, is president of the Rau Foundation at 2202 S. Wright St.

Rau also is president of David Industries, a small electronics firm at that address, which is incorporated in Nevada and formerly was

registered in California as a foreign (out-of-state) corporation.

However, records on file in Sacramento disclosed that David Industries was suspended April 1, 1970, by the Franchise Tax Board and the Secretary of State for alleged tax irregularities.

The suspension order still in effect prohibits David Industries, as a corporation, from engaging in business intrastate here in California.

Although David Industries is, in fact, located at 2202 S. Wright St., corporate records and other documents on file at Sacramento, Carson City, Nevada, and Springfield, Ill., list its address and that of Rau as 2208 S. Wright St.

The 2208 S. Wright St., address, located in the same building as David Industries, is occupied by Financial Engineering Data Corp., which, according to state officials, also was suspended April 1, 1970, for tax irregularities.

Ephraim J. Hirsch, a Los Angeles attorney and listed as one of the firm's original incorporators on March 19, 1968, refused to disclose the identities of its officers.

A spokesman for the Santa Ana city finance office said a business license was issued to Financial Engineering Data Corp., which lists a Lee Pendleton as president; Cory Visser of 3540 Woodruff Ave., Long Beach, vice president, and a Linda Leydekkers, secretary-treasurer.

No addresses are listed for Pendleton or Leydekkers, he added.

Official state records also revealed that the Rau Foundation was stripped of its tax-exempt, non-profit corporation status on Nov. 27, 1967, by the Franchise Tax Board for failure to submit annual financial statements required by law to the State Registry of Charitable Trusts.

The foundation—on that same date—also was removed from corporation files maintained by the Secretary of State and placed on an inactive status following the suspension of its tax exemption certificate.

On June 30, 1968, Rau filed with the state the foundation's delinquent financial reports for its 1966, 1967 and 1968 fiscal years.

But the foundation's suspension remains in effect due to Rau's failure to submit information requested by the attorney general's office concerning a \$47,910 loan receivable listed among its assets in its 1967-68 fiscal year report.

It lists the foundation's net worth for that year at \$48,201, and of which only \$291 is shown in cash with the mysterious loan receivable making up the balance.

It also shows interest income of \$3,130; expenditures of \$777 for administration, management and miscellaneous; and a total of \$2,871.40 in charitable contributions made during that fiscal year.

Still unanswered at this time is a letter from the attorney general's office sent to Rau on July 18, 1969, concerning the \$17,910 loan receivable, which requested:

- Name of payor.
- Date of note and original amount.
- Maturity date and present balance.
- Rate of interest and terms of repayment.
- Type of security.
- A list of present officers and directors (of the foundation) with their addresses.

A copy of the will showing the terms and provisions of the "testamentary trust of M. L. and Cora K. Rau."

Repeated warnings sent to Rau by the attorney general's office citing a \$100 minimum tax-plus-interest-per-year penalty, in addition to suspension of the foundation's tax exempt status for non-compliance, have been to no avail.

With the loss of its non-profit corporation status the Rau Foundation's income has become taxable and all donations to it are no longer tax deductible by the donors, a state tax official said.

The Rau Foundation's financial reports for its 1962 through 1968 fiscal years, on file with the Registry of Charitable Trusts, reflect contributions totaling \$57,731 to various organizations.

Among the recipients listed is the South Coast Child Guidance Clinic, also known as the Child Guidance Center of Orange County, at 171 E. 18th St., Costa Mesa, which received a whopping \$13,855.50, according to the records.

But officials at the clinic—which also is a non-profit corporation supported by public and private donations—refused comment on whether or not the Rau Foundation is known to them.

Later, the reason for their reluctance became apparent when confirmation was received that John M. Rau, in fact, is treasurer of the South Coast Child Guidance Clinic and a member of its executive committee.

The suspended foundation was established in 1948 by Rau's late grandparents, Moses L. and Cora K. Rau of Beverly Hills, as a charitable, educational medical and scientific non-profit corporation.

A certificate of amendment of articles of incorporation of the Moses L. and Cora K. Rau Foundation, filed Sept. 13, 1962, with the Secretary of State, changed its name simply to the Rau Foundation.

The certificate and other legal documents filed show John M. Rau as president of the foundation and his brother, Steven Rau, as secretary. No other officers or board members are listed.

Records on file with the secretary of state in Nevada's capitol at Carson City, show John M. Rau as president of David Industries at 2208 S. Wright St., Santa Ana; Steven Rau of 414 Hester St., San Leandro, vice president, and David Wallerstein of 2440 Lakeview, Chicago, treasurer.

Prentice-Hall Corporation Systems, a professional firm which provides statutory representation to domestic and foreign corporations for an annual fee and maintains a Carson City address for that purpose, is listed as resident agent for David Industries.

Recently, Rau identified Wallerstein to The Register as his stepfather.

The Rau Foundation's 1965-66 financial report shows a \$10,000 contribution to a Wallerstein Foundation in care of Cohen, Fiffer & D'Angelo, 209 S. LaSalle St., Chicago.

According to the records of the Illinois secretary of State in Springfield, the Wallerstein Foundation was established there Jan. 24, 1966 as a non-profit corporation.

An annual report filed for the Wallerstein Foundation in Springfield on Feb. 25, 1970, shows David B. Wallerstein of 2440 Lakeview, Chicago, president, and Caroline R. Wallerstein of the same address, secretary.

Both Wallersteins also are listed on the annual report as members of the board of directors along with—John M. Rau of 2208 S. Wright St., Santa Ana.

When asked questions pertaining to the Rau Foundation, John H. Tarband, CHPA executive director here, became agitated and shouted: "You'll have to ask Mr. Rau about it; Mr. Rau suggested that I should use it (in the grant proposal)."

He did.

PAYING THE PIPER

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. ADAIR. Mr. Speaker, a recent editorial in the *Lagrange Standard*, *Lagrange, Ind.*, dealt very well with our

present economic situation, and I am pleased to include it herewith:

PAYING THE PIPER

Americans now are "paying the piper." The "long run" is here. For eight years, the Democrats practiced the Keynesian policy of borrowing their way around economic problems. Now the Nation has to face up to economic reality. President Nixon is displaying tenacity and courage in holding firm to the course he set, in not settling for a one-shot economic hypo, but in seeking to set the Nation's economy on a firm footing. The Democrat-inspired inflation must be stopped. Growth must be solid, not the frothy inflationary money-churning.

The "dolce deficit" plus the artificial stimulus of a war, boomed the economy under Presidents Kennedy and Johnson. In electing Richard Nixon two years ago, the public rejected the waste in Government that accompanied the Democrats' version of prosperity.

Now, the Democrats want to make the economy an issue this fall. We agree it should be. Let's look at a few reasons:

79 million Americans are at work today, up 1.5 million from a year ago. The unemployment rate is 4.5 percent today compared with a high of 6.7 percent in JFK's Administration. If the Democrats want to attempt to make massive unemployment out of those figures, let them try.

The Gross National Product is going up at a 4.5 percent annual rate in current dollars. If the Democrats want to attempt to call that stagnation, let them try.

Inflation has dropped from the 6.4 percent annual rate generated by LBJ's "last hurrah" budget, which ran \$25 billion in the red, to 4.2 percent. If the Democrats want to try to defend their brand of inflation, let them try.

Real income set an all-time high mark during the first half of 1970. If the Democrats want to attempt to label this as recessionary, let them try.

In short, the economic course charted by the President is starting to pay dividends—by maintaining a high level of prosperity while providing a stability in the management of U.S. fiscal affairs that has been too long missing.

FOR THE SST, A CASE OF OVERSELL?

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. COHELAN. Mr. Speaker, the debate over the Federal funding of the SST is now before the Senate. Nothing in the intervening months since the House consideration of the SST has convinced me that the Federal Government should continue the funding of this effort. In spite of the efforts of the SST proponents to overwhelm the project's opponents by verbal onslaughts, the environmental problems and the ultimate need for the SST still dictates against Federal financing of this project.

In a recent article by Albert R. Karr entitled "For the SST, a Case of Oversell?" the pressures being exerted on the Members of the Senate are outlined. Mr. Karr correctly points out that for all the pressure, the fundamental problems have not been resolved. I commend the reading of this article to my colleagues

and would like to have it inserted in the RECORD at this point:

FOR THE SST, A CASE OF OVERSELL?

(By Albert R. Karr)

WASHINGTON.—The SST is coming in on a wing, a prayer and one huge burst of hot air. At least that's how it looks to critics of the giant supersonic transport. For years, they have contended—unsuccessfully—that the Government is overselling the giant aircraft. But they hadn't seen anything until this year.

Now, as the crucial Senate vote nears on the Nixon Administration's \$290 million proposal to continue SST prototype development, SST critics are being countered with a blizzard of arguments. Spearheaded by William Magruder, a former test pilot and Lockheed executive, the Administration's SST sales team is coming up with responses to growing criticism of the plane from scientists, economists, members of Congress and others.

For example:

—How about reports that airlines aren't eager to buy the SST, assuming it does reach the market stage? Not true, says Mr. Magruder, producing a bundle of letters from airline chiefs, all urging Congress to push on with the program.

—What about the testimony last year and again last spring from the Treasury and Labor Departments, among other agencies within the Government, that the SST would hurt the U.S. balance of payments while easing U.S. unemployment very little? After some five months of missionary work by Mr. Magruder, the same agencies now have little bad to say. Critical reports within the Government are kept quiet if possible, ridiculed if not.

—And what about the widespread concern that the SST poses a potential environmental hazard? Critics have no cause for worry, Mr. Magruder replies; in fact, this aircraft will spur so much environmental research that, on balance, it will protect the environment. But in case critics remain worried, let's study their worries—while getting on with those two prototypes, fast. And if the prototypes develop some serious flaw (environmental or otherwise), then no commercial planes will be built.

Furthermore, Mr. Magruder and other SST backers say, the SST will "bring the world closer together," promoting international understanding, and boost the U.S. economy, generating tax dollars to combat this country's social problems. "If we default on the SST, then the (social) problems of the 1980's" will be even worse, Mr. Magruder has warned.

Mr. Magruder, in short, is using a very hard sell. This is understandable, because the SST has become one of the most prominent targets in the debate on national priorities. So far the SST has survived its challenges; it's the alternate uses for Federal money that have suffered.

Government financing of the SST (if the Nixon proposal passes, it will mark another step toward an eventual total of \$1.3 billion; critics contend it will rise even higher) is advocated in the name of technology, while medical and other scientific research is crimped in the name of economy. In the Transportation Department itself, the SST goes full speed ahead, while auto safety work remains underfunded. And the rise in mass transit spending under the Administration's new transit-aid program is kept painfully slow, on inflation-fighting grounds.

EXAMINING THE ARGUMENTS

Mr. Magruder's performance is disarming, and has left even some SST foes impressed if unconvinced. But these arguments, impressive in the aggregate, are much less impressive when examined individually.

Take, for example, the question of whether the airlines really want the SST. Despite Mr. Magruder's bundle of letters, there has been considerable evidence for some time that the airlines wouldn't be all that eager to buy production models—though they don't object to the Government's paying out more for development. Airline officials express doubts privately, some industry sources report, and in talks with Federal officials the airline men are said to have implied as much.

In past years, responding to pleas from the Federal Aviation Administration that they show Congress that the SST would sell, the airlines took \$22 million in options on the plane and paid \$59 million for development—so-called "earnest money." Sen. Clifford P. Case, the New Jersey Republican, likens this process to a man's being asked repeatedly to assure his wife that he loves her. In recent Senate subcommittee hearings, Sen. Case questioned Stuart G. Tipton, president of the Air Transport Association, the airline trade group, on whether the carriers would like to be asked again, "if you love her"—that is, to put up more cash.

Mr. Tipton replied, "The answer has to be different"; putting up more "earnest money" would be a financial hardship. "I would hope the Government wouldn't do that, (ask for more)" he said.

Mr. Magruder's persuasiveness within the Administration has been equally impressive. Earlier, several agencies were largely negative about the aircraft. Now, says Mr. Magruder, "None of these people are in disagreement with my position on the program." In fact, he was able to deliver a bundle of pro-SST documents from 15 departments and other agencies to the Senate subcommittee.

The Treasury Department, for example, reversed its earlier position that the SST would hurt the U.S. balance-of-payments position by inducing more people to travel and spend dollars abroad. With a viable British-French supersonic Concorde coming into being, the Treasury now argues, the key question becomes competition in selling SST aircraft in the world market. (Mr. Magruder himself argues that the SST would add more than \$50 billion to U.S. payments income in the 1978-1990 period, a big increase over a recent Transportation Department estimate of a \$10 billion plus.)

The Labor Department, which had been saying that the SST offered little hope of important job benefits, now says there will be a lot of job pluses. The Council on Environmental Quality, whose members had warned of possible dire SST dangers, now dwells more on the fact that the two prototypes won't do any harm.

A high Cabinet official suggests, however, that the real reason for the dramatic turn-arounds in agency opinion is intra-Administration pressure. "The Administration favors the SST," he says, "therefore, all parts of the Administration favor the SST." The official isn't impressed by estimates from Mr. Magruder and others of the SST's potential economic benefit to the U.S. "None of those studies are any damn good," he says flatly.

Meanwhile, the Administration's treatment of reports unfavorable to the SST is illustrative. One such report came from an interdepartmental team that surveyed the program at President Nixon's request early last year. Their unfavorable report stayed secret—until it was unearthed by Rep. Henry Reuss, a Wisconsin Democrat and SST foe. Only then did SST backers begin talking about the report—roundly criticizing it and the officials who wrote it.

Another report understood to be critical, drawn up by a group of scientific consultants to the White House, has never seen the light of day. The Administration refuses to make it public. However, the group's chairman,

Richard L. Garwin, an IBM physicist who has worked on a number of Government aircraft and defense projects, has openly attacked the SST as too noisy and economically wasteful.

THE ENVIRONMENTAL ISSUE

Despite strong Administration attempts to play down the issue, the question of the SST's impact on the environment has become perhaps the strongest argument of SST opponents.

Among the possible dangers, opponents say, is a substantial increase in the water vapor content of the stratosphere. This, in turn, could lead to climatic changes and higher ground temperatures. Another environmental side effect could be a sharp rise in hydrocarbons and other pollutants in the stratosphere. Still another danger, a reduction of ozone there, could have either of two effects: A dangerous increase in ultraviolet radiation to the earth, or temperature reductions on the earth's surface.

SST supporters have conflicting responses to these objections. They contend that studies have already answered the environmental questions, in favor of the SST. But at other times, supporters agree more research is necessary, which they say is another good reason to build those prototypes. They'll help provide some answers.

Critics doubt seriously that the prototypes will do much to answer the environmental questions. They also wonder if those answers will come before the nation commits itself to commercial production. Supporters aren't terribly encouraging in this regard. The answers, says Sen. Warren Magnuson, the Washington Democrat who is one of the SST's most fervent backers, will take a "long, long time."

Supporters are similarly un reassuring about another argument of SST opponents—that the plane will generate ear-shattering noise. Richard L. Garwin, an IBM physicist, says that when the big plane takes off, it will sound like 50 existing jets. Promoters say this is technically true in terms of raw decibel measurement, but because of the way the human ear actually perceives noise, the sound will be "only" as bad as three or four jets. Anyway, proponents say, by 1978 (when commercial planes conceivably could be flying) new airports will have been built out in the country—away from population centers. A good example of this, says Mr. Magruder, is the projected new airport at Palmdale, Calif., which is to begin serving the Los Angeles area in 1977.

This argument, however, contradicts another argument of the supporters: That the SST won't require expensive modification of existing airport systems. And even if the nation did decide to build new airports out in the country, many doubt it could be done.

A spokesman for the Airport Operators Council International, Inc., an association of airport managers, cites growing public resistance to airport noise and pollution. The SST will require a "phenomenal amount of land," he says, land that is almost impossible to come by. Declares J. Donald Reilly, executive vice president of the council, if new airports are the answer "the SST project might just as well be stopped." And unlike Mr. Magruder, Mr. Reilly doesn't see the Palmdale, Calif., airport as an answer to the SST problem—in fact, he names it as one place where the SST probably will be banned as too noisy.

THE NOISE PROBLEM

SST proponents also say they hope to drastically reduce the noise caused by the SST, by 1978, to which opponents reply that this will be technically almost impossible. They note that in the past, when commercial planes couldn't achieve noise-reduction targets, they were allowed exemptions from noise rules.

Meanwhile, although the Government has promised to ban SST flights over land be-

cause of the sonic boom the flights will produce, SST promoters occasionally indicate they don't regard the ban as permanent. Mr. Magruder, for example, says confining flights to over water merely represents thinking "for the moment."

Anyway, supporters say, when people think of sonic booms they unfortunately tend to think of the kind caused by military planes stunt flying at 500 feet. The SST would cruise at 65,000 feet. But critics note that in 1964 the FAA performed extensive tests on public reaction to sonic booms. The agency repeatedly sent military jets over Oklahoma City at levels ranging from 21,000 to 50,000 feet. The flights caused a torrent of public complaints and a number of law suits and produced an average "overpressure" at ground level of about 1.3 pounds per square foot. According to Boeing Co., prime contractor for the SST, the SST's overpressure would be 2.3 pounds per square foot.

So go the various arguments for the fastest commercial aircraft this country has yet contemplated. Considering them, one cannot help wondering: If it's necessary to push the arguments for building the plane this hard, isn't something the matter with the whole idea?

WASHINGTON.—The airlines' view of the SST today is strikingly similar to their view of the jet 20 years ago: They aren't sure they'll want to buy the new plane, but they would like to see it developed—at public expense.

In June 1948, the trade journal, *American Aviation*, was arguing that "time (is) of the essence" in jet development, because "the British are 18 months to three years ahead . . ." However, the journal added, "It has been more than obvious" that "some agency of government" will have to foot "the very heavy developmental costs. . ."

At the same time, however, airlines were strapped for cash—as they are now—and many were dubious about replacing their propeller-driven planes with jets.

In the end the Federal Government didn't finance jet transport work (although commercial jet development did benefit from Federal work on military jets). And that was just as well, argues George Eads, an assistant professor of economics at Princeton University, whose research has included aircraft development.

The delay, he says, resulted in a better jet at lower costs. Similarly, he argues, SST technology today isn't far enough along to justify building the two prototypes.

—A. R. K.

PRESIDENT NIXON GIVES LANDMARK ADDRESS AT KANSAS STATE UNIVERSITY

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. MIZE. Mr. Speaker, it was my privilege to accompany President and Mrs. Nixon when they journeyed to Kansas State University at Manhattan, Kans., Wednesday, so that the President could participate in the Landon Lecture Series at this great educational institution. I was pleased to have the Chief Executive and his wife in the Second District of Kansas. This will long be remembered as the site of his landmark address on order in our society.

It was not only what he had to say but how it was received by all but a pitiful

handful of the students. Those in attendance and the millions more who saw and heard his address on television and radio must have been equally impressed over the President's address and how the overwhelming majority of the young people responded. It was evident at the conclusion that even the dissidents who came not to listen, but to disrupt, realized the folly of their efforts to mar the occasion.

I apologize to the President and Mrs. Nixon for the action of these misguided youngsters. I am sure the enthusiasm and warmth of the others in the audience sweetened any bad taste the dissidents tried to leave.

Two of the Washington papers have already given the President's appearance favorable editorial comment. Under leave to extend my remarks, I wish to include these editorials from the Washington Daily News and the Washington Evening Star. The editorials follow:

[From the Washington Daily News, Sept. 17, 1970]

NIXON ON CAMPUS

In his speech at Kansas State University, President Nixon was saying what we believe a majority of people in this country are thinking.

And that is that "violence and terror have no place in a free society, whoever the perpetrators or whatever their purported cause."

Students and others who riot, set bombs, start fires and disrupt universities, he said, show a contempt for human life and human decencies, and in turn deserve only contempt from others.

Mr. Nixon applauded, as we think most people do, a flow of "new ideas, new directions, new energy" from the rising generation. He said "automatic conformity" with the older generations would be wrong, and should not be expected. Of course. Our national progress, for better or worse, is hitched to the changing ideas, methods and energies of each new generation.

The President denounced, as we think most people do, the destruction of campus buildings (such as the laboratory at the University of Wisconsin) and the "assaults which terrorize faculty, students and university administrators alike."

The President also belittled the myth that college disturbances are the result of government policies—the war in Vietnam, pollution, or any others. If all these things were solved overnight, he said aptly, there still would be campus troubles.

The troublemakers are looking for trouble, not for solutions.

The President said only the college administrators can "save" higher education from the threat presented by the disrupters.

At neighboring University of Kansas, the chancellor recently blamed most campus troubles on "a small group of dedicated anarchists." They have to be distinguished, as the President did, from the students who go to college to get an education. But the majority won't get that education if the anarchists are permitted to tear down the institutions of learning.

And this is what Mr. Nixon clearly meant when he said education now faces its "greatest crisis." Either the disrupters are put down and the disrupters routed, or the whole system flops. In that sense, it is a crisis indeed.

[From the Washington Evening Star, Sept. 17, 1970]

NIXON ON THE CAMPUS

Manhattan, Kansas, isn't Berkeley or New Haven. But the campus audience was mostly

young—of the generation that is supposed to distrust anyone over thirty and look disdainfully on such square concepts as "the basic regard for the rights and feelings of others." So it has to be counted a good show when a 57-year-old speaker, even if he is the President of the United States, gets a friendly and, at moments, enthusiastic hearing from collegians for an attack on violence.

The hard truths spoken by President Nixon at Kansas State University might better have been unleashed on one of the more disaffected campuses—even though hecklers might have made more noise than did the handful in the K. State fieldhouse. As it was, the President's remarks still were eloquent testimony to the dismay of most Americans—including most students—over the disorders that make a mockery of freedom in many colleges.

Mr. Nixon warned about a possibility that already is painfully evident to many educators, that "higher education in America risks losing that essential support it has had since the beginning of this country—the support of the American people." The ability of calculating radicals to disable a mighty university must be curbed by administrators, faculty and the responsible majority of students.

The President was right in saying that it is not the government's task to restore the rule of decency on the more troubled campuses. But his effort, as the nation's top civil servant, to rule out government responsibility for unrest is open to question. The failures of society through its governmental mechanisms to achieve peace, or economic and racial justice or a safe and beautiful environment have contributed to the dissatisfaction of youth. At the very least, these failures have made Mr. Nixon and his colleagues large targets for radicals seeking to spread the gospel of violent protest.

The President ranged far beyond the campus gates in listing the terrorists threats to civilized practice, including the airliner hijackings by Palestinian fanatics and the "wanton shootings of policemen" in U.S. cities. But the most sobering fact in the background of the presidential lecture was that it was appropriately delivered at an institution of higher learning, albeit in the pastoral Flint Hills of Kansas.

"Nowhere should the rule of reason be more respected, or more jealously guarded, than in the halls of our great universities," the President said. If the universities and their intelligentsia are in turmoil, can an end be put to the disorders of a mostly illiterate world? The campuses soon must resume their role as a source—rather than a prime target—of homilies about respect for democratic rights.

ISRAEL DISPLAYS DETERMINATION, PERSEVERANCE

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. BOGGS. Mr. Speaker, the ongoing crisis in the Middle East is a matter of continuing concern to the peace-loving peoples of the world.

Recently, a distinguished reporter and editor of the New Orleans Times-Picayune, George W. Healy, Jr., traveled to that unhappy part of the world. His trip culminated in a perceptive article and editorial in the pages of the Times-Picayune.

Mr. Healy is an outstanding writer and a student of world affairs, and I

am inserting his article in the Times-Picayune and calling it to the attention of my colleagues:

ISRAEL DISPLAYS DETERMINATION, PERSEVERANCE—EDITOR VISITS NATION AT HISTORIC TIME

(By George W. Healy Jr.)

TEL AVIV.—Determination and perseverance are the great assets of the 22-year-old nation of Israel. Its residents, Jews and Gentiles, including Christian Arabs, have these characteristics in abundance.

Having been in the Middle East last in 1960, I observed in August, 1970, little change in Syria. Israel is another story.

Its residents, former citizens of practically every part of the world, have converted deserts into lush cotton fields, citrus groves and vineyards. They have combed surface rocks from hillsides, placed those rocks on tops of bomb and shell shelters where hundreds of children have been sleeping underground for years. The hills from whence the rocks came have been terraced and transformed into groves which produce some of the world's finest melons and citrus fruit.

Water has been Israel's greatest need, and that need has been met by pumping fresh water from the Sea of Galilee (which Israelis call Lake Tiberias), from wells drilled through rock and from the few other sources in what used to be arid Palestine. With an ingenious system of pumps and pipelines, much of the land of Israel now produces three crops per year. In some places three and one-half crops are obtained.

Industry also is growing. Israel is producing automobiles with fiberglass bodies, and one of its flourishing manufacturing plants is a cosmetics factory.

Despite the war which has been raging between Israel and Arab nations—which most of the time in recent months was restricted to terrorist raids and artillery exchanges across the Suez Canal—tourism in Israel is booming. The tourist business in 1970, to date, has set a record—topping 1969 by about 20 per cent.

There are few signs of war in Tel Aviv, but there are many in the rural areas. Wreckage of Egyptian and Syrian tanks, half-tracks and other vehicles has been left where they were destroyed as reminders of Israel's quick victory in the six days' war of 1967. Some wrecked artillery emplacements on the Golan Heights, overlooking Israel where Jordan and Syria meet, are evidence of the skill of the Israel air force. Terrorists still fire an occasional rocket from these heights.

While Samuel Becker, my most competent and fast moving escort and driver, and I were in a kibbutz near the Jordan River a group of Arab terrorists managed to make their way through an electrified fence which parallels the west bank of the Jordan River.

SOLDIERS APPEAR

Communications of the Israeli Army being as efficient as they are, the terrorists had no chance to set up mortars to fire on the kibbutz. A patrol of Israeli soldiers appeared from nowhere, opened fire on the terrorists, killed two of them and drove the others back across the river. The Jordan river at that point is not as wide as Bayou St. John.

We knew nothing about the tragic incident until we were miles away, en route to another kibbutz on the Sea of Galilee, in which—incidentally—I took a swim. Apparently I entered the lake at the wrong point, because when I stepped in, mud covered my legs up to the knees. I don't believe that even "Bear" Bryant would walk on water at that point.

Three girls driving on a highway were killed when one of their tires struck a land mine while we were in the area. This explained to me why all automobiles and trucks are stopped every few miles. If their

occupants cannot identify themselves as friends and explain their reason for being in the area their cars or trucks are searched thoroughly for explosives or arms.

Because my escort and driver was a representative of the Israeli government and I had credentials from both Jerusalem and Washington, our delays at these roadblocks lasted only a few seconds.

SPIKED PLANKS

Instead of using barricades as roadblocks, the Israelis use cunningly placed spikes on the road or highway surface. The right lane of a two-lane highway is spiked with movable spiked planks. Obviously, if a motorist tries to cross this plank he loses two or more tires. He must swerve to the left to avoid the spikes and sees, about 50 feet ahead, another set of spikes. He has to swerve again, reducing his speed greatly.

With his speed reduced to a walk, an Israeli policeman or soldier steps to the side of the car, orders it to a halt and, very expeditiously, examines the credentials of the occupants. If he has any doubt about their validity, the vehicle is searched.

It was my privilege to be in Israel during what probably will be known as a historic period. I happened to be in conversation with a high military official when he received word that the official cease-fire had been confirmed. That gave me a chance to head south and learn whether the cease-fire was working.

However, in visits to Jerusalem, Nazareth, Safed, Haifa, Beersheba and other cities and communities of Israel I believe that I obtained enlightenment and a new concept of the composition of Israel's people.

MANY VOLUNTEERS

There are many volunteers in Israel, I found, who are neither Zionists nor Jews. In a kibbutz where residents jump into trenches and head for underground shelters when a siren sounds I met a young man loafing in the library.

When I inquired whence he came, he told me Albuquerque, N.M. I asked if he was a Zionist. "No," he replied.

"Why did you come here?" I asked.

"I just wanted to help in what I think is a just cause," he said. "I'm a tractor mechanic, and I knew that these new agricultural communities would have tractors. Right now I'm trying to avoid work. All the tractors were working well this morning, and if they keep that way I'll manage to catch up on my reading."

The young lady who runs the small shop in a kibbutz where we spent a night in its guest house told me she was a Lutheran from Copenhagen, married to a Jew. She and the young man from New Mexico gave me no indication as to whether they expected to embrace Judaism. I did not ask their intentions.

In a subsequent luncheon conversation with Colonel Joseph Kalev, official spokesman for Israel's armed forces, I commented that in the northern part of Israel I had seen more Franciscan priests than rabbis.

"Maybe you've been going to the wrong places," he laughed.

Actually, the Franciscans live in and supervise pilgrimages through most of the Holy Land shrines.

NO DIRECT PAY

For the uninitiated, as I was before August 2, kibbutz means together. The 230 kibbutzim in Israel are the homes of about 5 per cent of the people in Israel. All workers in a kibbutz are volunteers, receiving no direct pay for their services. The net profits of the kibbutz are placed in a common treasury, and when anyone in the collective "family" needs food, clothing, medical care or some other necessity, it is supplied by the common treasury. We were at one kibbutz which had been under terrorist fire many

times where a fully equipped hospital was underground. I checked the operating equipment, medical stores and other equipment. Much of it had been sent by the Red Cross and other agencies in the United States.

On the basis of experiences in two kibbutzim, it appears to me that there is no discrimination in these communal villages on account of religion. More broadly, the Israelis whom I met seemed just as interested in preserving the freedom of all the land's people, Jews, Christians and Moslems, as in providing a refuge for Jews from all places where they may be or feel oppressed.

From appearances, Tel Aviv knows nothing of the ardors of the war. It is a gay city, with no rubble, shell marks or other outward signs of conflict. One of its brightly lighted streets is reminiscent of Bourbon St. in New Orleans—although on the Tel Aviv street, sidewalk cafes far outnumber bars and showplaces. On a Thursday night when I walked down this street, there were as many strollers as pack Bourbon St. on Saturday nights.

Accommodations in Tel Aviv are de luxe. On my first stop there I was in the Tel Aviv Hilton. On the second I was accommodated at the Dan. Both were elegant and packed with tourists. Many of the tourists with whom I became acquainted were from such places as Elgin, Ill., and Vancouver, B.C.

During my two stops in Tel Aviv I was privileged to meet many of Israel's leaders. Modechai Gazil, deputy director of the ministry of foreign affairs, and Nahum Astar, director of the official visitors' department of that ministry, were particularly helpful, as was Mrs. Yael Vered, director of the Middle East division of the ministry of foreign affairs.

Professor Ben-Ami Scharfstein, vice-rector of the University of Tel Aviv, invited a distinguished group of educators, editors and correspondents to a party in my honor.

One of his deans and the latter's wife, I believe, gave me an insight into how Jews who have migrated to Israel feel about the country.

They told me that they were natives of Zagreb, Yugoslavia, but had not seen that city since they were 15 years old.

"Mrs. Healy and I were there in 1967 and liked the city very much," I said. "I believe that you'd enjoy a trip back to your native land."

"Oh, no," said the dean's wife, whose name I neglected to put in my notebook. "Israel is our homeland, our only home."

Jerusalem—The old walled portion of ancient Jerusalem which, until June, 1967, was "off limits" to Israelis may now be entered with freedom by residents of the western portion of the city.

Jerusalem is a city of contrasts. Its Intercontinental Hotel on the Mount of Olives is as modern as any hotel in the United States. Many of the buildings in Old Jerusalem were built centuries ago, and Herod's Jerusalem, more than 2000 years old, was uncovered by archaeologists in the comparatively recent past.

After visiting the Walling Wall and other shrines I undertook a check of the city's population. Its last census showed 195,700 Jews, 54,963 Moslems, 12,646 Christians—a total of 263,309 living in Jerusalem.

Because he agreed with me that all work and no play might dull us, Sam Becker and I patronized a night club in Jerusalem. It was called the Can and was in a cave. We went only for the four-act floor show.

The final and best act was presented by a singer who was a casualty of the 1948 war, in which he lost a leg. His first rendition was the spiritual, "Jericho," which he sang magnificently.

SINGER VISITED

At the conclusion of the floor show I asked permission to visit this singer, who is quite

prominent in Israel, but whose name I did not record. When I entered his dressing room I told him that the writer of several of the songs which he sang was an acquaintance of mine, Robert McGimpsey, who wrote most of his spirituals in Lake Providence, La., where he was born.

The singer seemed very pleased and told me he often used McGimpsey's "Jericho," "Shadrack" and other numbers. He then asked, "How do you think he'd like my accent?"

"He'd love it," I replied.

"Well," said the singer, "I recently made a contract with an agent in New York and hope to make appearances throughout the United States. Since Mr. McGimpsey is a native of your state, I'd like particularly to appear there."

I hope he makes it.

Nazareth—Although Nazareth apparently is visited by fewer tourists than Tel Aviv or Jerusalem, this little city where Jesus Christ grew to manhood has tremendous appeal.

Nazareth is populated principally by Christian Arabs. On a nearby hill is a new settlement, populated by Jewish immigrants from Russia, Poland, Germany and many other nations. The two communities apparently are harmonious.

Mayor Mussa Ktely of Nazareth hosted a luncheon for Sam and me at the elegant Nazareth Hotel. The mayor's family moved several centuries ago from Lebanon to Nazareth, and he is connected with the community's top citizen. He is a Roman Catholic.

Mrs. Georgette Laham is owner of the Nazareth Hotel. After our luncheon she took me to the hotel's gift shop and tried to give me everything in it. I accepted only a Bible covered with Mother of Pearl, a beautiful hand-carved wooden vase and some beads of Nazareth. She seemed disappointed that I would accept no more.

The hotel is on one of Nazareth's many hills, almost opposite the Mount of Precipitation, at the Galilean city's eastern approach, where the Haifa-Tiberias-Afula highways merge.

Nazareth is a city of many churches—the most imposing being the new Church of Annunciation at the head of Paulus VI street.

After moving from the Kibbutzin to Nazareth, we drove to a number of small cities and towns in Northern Israel. Among the most charming of these is Safed, on a hill in the Gali. Its sand-colored stone houses and tiny, meandering streets and lanes give it an unusual appeal. The city's charm has attracted many artists from all parts of the world.

Our hosts in Safed, which is near Lebanon, were Moshe Raviv and his wife and daughter. Raviv is one of the founders of the city's artists' colony and has painted there since 1950.

From Safed we drove to the Mediterranean coast and observed activity at the modern port of Haifa. Israel is building an even larger port facility south of Tel Aviv-Jaffa.

After two more days in Tel Aviv our movement was south to Beersheba. A daughter of Mr. and Mrs. Becker is a member of the Israeli Air Force, assigned to a base near Beersheba. She and her mother accompanied Sam and me when we drove from Tel Aviv to that air base, where his daughter returned to duty after a furlough.

CONTRAST NOTED

One of the most interesting sights near Beersheba emphasizes the contrast between what Westerners would regard as the backwardness of Syria and other Arab nations and the progressiveness of Israel.

Bedouins roam the deserts in the thousands between Beirut and Damascus. They frequently move their tents and their camels and pitch camp wherever they can find water and a little food for their camels and, in most instances, sheep and goats. Just how they live always has been a mystery to me.

Palestinian deserts where Bedouins formerly roamed now are reclaimed as highly productive Israeli farms. Israel, however, has provided for its Bedouins. It has built a housing project near Beersheba where the nomads can settle down and have permanent shelter.

As a concession, land behind the housing units was provided for the Bedouins to pitch their tents—ostensibly as shelter for their camels.

It may be fact or fiction, but residents of Beersheba say many of the Bedouins find it difficult to stay under fixed roofs and frequently leave their modern apartments to go out to the tents to sleep with their camels.

Any newspaperman visiting Israel at this time is bound to be interested in the military situation.

General S. Gazit, co-ordinator of administration of occupied territories, gave me a lengthy audience, and Colonel Joseph Kalev, official spokesman for the Israeli Army, took me to lunch.

Both were optimistic, but both made it plain that Israel needs help from the United States. I talked with both of them after the cease fire of August 7 but before recriminations were being exchanged by Israel and Egypt about who might be violating the cease fire. Having remained on the north side of the Suez Canal, I am in no position to express an intelligent opinion as to who may be right.

As we moved around Israel one of the signs of conflict which we saw was a fleet of jeeps of the United Nations, all marked with large letters UN. It is the responsibility of their operators and occupants to investigate all acts of aggression by either Israel or one of the surrounding Arab states. Just how efficient they are would be difficult to determine. All I know is that they do get around and are seen on the highways and roads near trouble spots.

Mrs. Golda Meir, prime minister of Israel, has indicated that she believes all the UN observers do is look. Incidentally, I spoke to many Israelis about their prime minister. The only criticism any voiced was, "I wish she were ten years younger."

About a decade ago I saw the Egyptian Army mobilized not long after Gamal Abdel Nasser overthrew Farouk. I have seen also segments of the Syrian Army.

As a horseback opinion, I'd say that the Arab states which surround Israel have about as much chance of winning a war with the highly efficient, dedicated Israeli army and air force as the Sam Barthe junior varsity football team has of defeating the New Orleans Saints.

Even if the armies of Iraq and Libya join the remnants of the armies of Egypt and Syria, I doubt that they could handle the Israeli army and air force.

Unless the Soviets get into the conflict, I believe that the integrity of Israel as an independent nation is secure for a long time—whether the cease fire is extended or not.

Guerrilla or terrorist activity in Northern and Eastern Israel is likely to continue for many months—but it is splitting rather than cementing unity in the Arab states, particularly Jordan.

Israel is depending heavily on sentiment in the Western World. In stops at Zurich and in England en route home I found evidence that public opinion strongly favors Israel—particularly in England.

Among surprises which I experienced in Israel were that 136,000 Christian Arabs live in that nation; that in 1969, two years after the six-day war in which Israelis routed Arabs, the population increase of Judea and Samaria (occupied territories which the Israeli government describes as administered territories) was 3 per cent, compared with a 1 per cent increase in years preceding the 1967 war; that the Israeli government per-

mits visits by residents of the occupied territories to the Arab states and visits by residents of the Arab states to relatives in the occupied territories and that this cross-border of traffic has decreased each year since 1967; that gainful employment in the occupied territories is approximately 97 per cent; that the value of agricultural production in the occupied territories increased 31.1 per cent in 1969, compared with 1968, and that the number of cattle, sheep and goats increased from 397,000 in 1968 to 452,000 in 1969; that the Gross National Product of Israel, as a whole, increased at the rate of 10 per cent per year between 1955 to 1964 and continues to grow; that at the beginning of 1969 the population of Israel had almost quadrupled since cessation of the British Mandate in 1948 and that of its total population of 2,841,000 there were 496,000 non-Jews; that thousands of the 140,000 Arabs who fled Israel after the 1948 war have been readmitted and now live and vote in Israel.

Paradoxically, the safest place to be in Israel in my opinion, is the place normally considered the most dangerous in wartime—a military airfield or some other strategic target.

The cease-fire apparently has stopped soldiers from shooting at soldiers across the Suez Canal, and the terrorists who sneak in from Syria or Jordan have no stomach for confronting any segment of the Israeli Army.

At any event, there's never a dull moment in Israel. At least there wasn't one when I was there.

REMARKS CONGRATULATING THE FEDERAL BAR ASSOCIATION ON ITS 50TH ANNIVERSARY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. EILBERG. Mr. Speaker, this year marks the 50th anniversary of the founding of the Federal Bar Association. During this span of half a century it has grown from a small group of lawyers who had a vision of the contributions which Government lawyers could make to their profession and to society, to a large and powerful organization of 14,000 members, with chapters in every State of the Union and several chapters in U.S. territories and in foreign countries.

This association is now holding its annual meeting in this city in the Shoreham Hotel. Hundreds of members have gathered there to review what the organization has accomplished in the past and to make plans for even greater efforts in the future.

Thus, today is a peculiarly appropriate time to take note of a few of the many activities of this association, which is doing so much to make the law an instrument of justice for all our people.

Many of its efforts have been designed to increase the ability of its individual members to discharge their responsibilities as Government lawyers. The association has sought to improve their status and opportunities to serve. It has offered an ever-extending variety of educational programs to enhance their professional competence. Since 1954 the association, in cooperation with the bureau of national affairs, has offered over 120 outstanding briefing conferences in Wash-

ington and other major cities on many vital areas of the law. Many individual chapters also offer educational programs of high caliber.

For over a decade the Federal Bar Association through its Council on Younger Lawyers and its Committee of General Counsels, has joined with the Civil Service Commission in sponsoring a summer seminar for law clerks in Washington, designed to broaden their experience beyond that afforded by the particular agency to which they have been assigned.

The good work of this organization has not been limited to the United States. One of its most useful projects has been carried forward under the title "Law Books, U.S.A." This program was conceived and executed in cooperation with the world peace through law committee of the American Bar Association and the U.S. Information Service. Under this program, supported by private contributions of members of the bar, a selected number of paper back volumes dealing with the philosophy and spirit of the American legal system, have been distributed to lawyers, jurists, teachers and law students abroad.

An important contribution to public understanding and appreciation of the importance of the Bill of Rights of the Constitution has been made by the council on younger lawyers of the association in the last few years. This council has prepared and distributed a handbook of the Bill of Rights in which the meaning and significance of these rights, as interpreted by the Supreme Court, is explained in terms laymen can understand.

The association has a law observance committee which, for several years, has sponsored programs designed to enhance the morale and stature of the law enforcement community and to promote public cooperation with law enforcement agencies. In association with various law enforcement agencies of the Federal Government, it has prepared law enforcement exhibits for eight large cities in which the association has chapters. It also sponsors radio and television messages by government officials, community leaders, and others, and conducts youth projects and coordination conferences for law enforcement officials, members of the judiciary, prosecutors, correction and probation personnel, and educators.

I offer my heartiest congratulations to the association for what it has done in the past, with full confidence that it will build an even more impressive record in the future.

A NEWSLETTER ON STUDENT UNREST AND COMMENT FROM WYOMING

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. WOLD. Mr. Speaker, recently, I sent out a mailer to my constituency on the subject of student unrest. In this mailer, I discussed the measures which

Congress was taking in an attempt to restore peace to the campuses of the United States. I also solicited the opinions of my constituents on these legislative enactments and their views on the disorders in general. The response was tremendous and included a broad spectrum of attitudes. An overwhelming majority, however, concurred in the thesis that violence should not be allowed to disrupt the academic community.

Education has always been a vital part of the fabric of American society. Throughout our history, the people of the United States have esteemed learning and incurred great sacrifices to secure an education both for themselves and for as broad a segment of society as possible. Today this longstanding commitment to education is in jeopardy owing to the actions of a few who bomb buildings, burn papers which—in at least one case—represent more than 5 years of concentrated research, and take over classrooms and offices so that the normal functions of the university cannot continue. America cannot continue to underwrite such destruction.

What is even more frightening, however, is to see America losing its tolerance for dissent. Because of the actions of the terrorist few, many people are coming to look askance at all demonstrators—whether violent or not—even as the demonstrators themselves express intolerance by refusing to listen to any voices save their own. The processes of reason, which the academic community enhanced for so long, are threatened, and in a democratic society such a threat is potentially fatal. It is because of this that I would like to include in the CONGRESSIONAL RECORD a copy of my newsletter together with a selection of the responses made by the people of Wyoming.

When the mailer was printed the word illegal was inadvertently omitted from a phrase which should have read "Denies funds to students found guilty of participating in illegal campus demonstrations." "Illegal," in this case, refers to the use of force, trespass or seizure of property under control of a college or university to prevent the functioning of that institution. The distinction between this and a demonstration per se is a crucial one.

I would like to reemphasize my firm belief in the constitutionally protected rights of free speech, free assembly and to petition for the redress of grievances.

But the burning of research denies free speech to the man who collected it.

The occupation of a classroom denies free assembly to the class which would have met there.

And the bombing of a building can by no stretch of the imagination be labeled a petition.

The same people who hysterically raise the banners of academic freedom every time a policeman appears on campus are notable by their silence when a dean is bodily ejected from his office at Harvard or the "idealistic" Angela Davis goes into hiding following a shootout at a California court where the presiding judge carrying out his constitutional obligation is murdered.

In these circles, any student conduct

receives approbation so long as it is ostensibly for political purposes. The rights of anyone who gets in the way are studiously ignored. Violence, I would remind them, is not a part of the Bill of Rights. Protection from violence, on the other hand, is inherent in every clause.

There is also one right which is not enumerated in the first 10 amendments but is implicit in them, and, indeed, is the underlying premise of the Constitution; that is, the right of the majority to determine the Nation's course. There is no doubt that there are rational and deeply felt disagreements with national policy on the part of vast numbers of students—possibly a majority of them. It is upon these disagreements that the radical few feed. Most of these same students would agree that they do not have the right to forcibly impose these disagreements upon the majority of the population.

Indeed, this right of the majority to rule is tacitly acknowledged by the incredible chant "We are the people" which is now heard in the streets—a semiconscious claim to political legitimacy. In point of fact, the "people" speak every other November and policy is determined accordingly. The minority is free to disagree with that policy, but not to frustrate it. Today, as always, there are a few who believe the contrary.

The street people of Berkeley would not be pleased to be compared with the people of Little Rock, but in this respect the latter are their intellectual forbears.

There is no doubt that there are times in history when conscience or humanitarian impulse will impel an individual to refuse to cooperate with his Government or even oppose it violently, and men of good will must approve. Hitler's Germany and the Communist countries are recent examples. But it is, at best, morally perilous to set one's own conscience above that of a majority of one's society. The voice of the people rings with more truth than does that of Jerry Rubin.

I include in the RECORD my newsletter and the comments made by the people of Wyoming with respect to student violence. I include also a comment of my own on a particularly strident letter.

There are numerous comments from my constituents and I will place them in several issues of the RECORD, rather than this single RECORD.

The material referred to follows:

[Letter from Mr. Michael M. Guyot to Mr. Wold]

AUGUST 11, 1970.

DEAR CONGRESSMAN: I received some of your campaign literature in this morning's mail in which you state your (unfortunately) popular and dangerous views on a phenomenon you term "campus unrest" and which you conclude by soliciting written support for your reactionary position. Let me make it clear at the outset that I do not share your opinions. As for your further request for permission to print my views in the CONGRESSIONAL RECORD, nothing would make me happier.

Contrary to what you state in your pamphlet, the use of force in support of political belief is not utterly unjustifiable. The expediency or in expediency of any method of expression or of any line of political action must ultimately be decided only in terms

of its detrimental or supportive function with regard to the end it is meant to further. In other words, the sole means of evaluating a method is with reference to its efficiency in carrying out its end. If the method is in conflict with the values from which the goal it seems to satisfy arises, as some think is the case with violence and the ultimate acquisition of freedom, then one must decide for one's self whether the sacrificing of some part of those values is justified by the satisfaction of the desire for the other parts. If the decision is in the affirmative, then the upshot is that violent means are employed toward the end of freedom from repression.

Once that decision has been made, it becomes meaningless to deem violence as "illegitimate." Legitimacy is not the question. Necessity is. Whether that necessity exists is, of course, a separate question. If, as I increasingly fear, we are moving steadily toward fascism, then the only choice is a struggle—violent or not—against those tendencies which push us away from democracy.

As to the "price of student violence," what price is too high to pay for freedom? If it is revolution, can we refuse to pay it?

With reference to the "John Wold voting Boxescore . . .", exactly what is a "campus disruption"? There are documented cases where peaceful rallies have been turned by the authorities into bloodbaths, Kent State for one. How do you explain "disruption" in terms of "police riots"? Are the scholarships and loans of anyone who dissents, even peacefully, to be terminated? Is an "unlawful campus disorder" a rally which has been banned in violation of the people's right lawfully to assemble? And in your vote for HR 15090 FY 70 DOD Appropriations which you state "Denies funds to students found 'guilty' of participating in illegal campus demonstrations," I find only one more evidence of the fascistic trend of our government. How much longer before you try to put us in prison? Why "investigate" the peaceful "New MOBE"? Explain yourself, Congressman.

In conclusion, let me repeat that you do not have my support on this issue and do not represent me with your votes, and let me add that I am looking forward to your defeat in your campaign for the U.S. Senate.

MICHAEL M. GUYOT.

SEPTEMBER 1, 1970.

Mr. MICHAEL M. GUYOT,
Cheyenne, Wyo.

DEAR MR. GUYOT: You are obviously very concerned about the violence which has occurred on many of our campuses and about the possible overreaction to this violence by authorities, including police.

We are both concerned and I hope we can respect each other thinking even though we might not agree on the causes of or the alternatives to campus disruptions.

For the first time in five years, we have an American President who is unwinding the war in Vietnam. He is doing what hundreds of thousands of demonstrators have encouraged him to do although certainly he is doing it less precipitously than many would have preferred.

The fact remains, however, that as the President maintains his timetable, our troop strength in Vietnam is being cut dramatically. This compares, of course, to increases in American troop strength, activity and casualties up to the time of the assumption of office by President Nixon.

If American universities truly become politicized, as have many in Latin America and Europe, then students, faculty and administrators must expect to suffer both the feast and the inevitable famine of such political fortunes. Universities were not designed to do work in the slums or to provide day-care centers.

A school is the factory for the generation and transmission of knowledge and ideas. If a university becomes instead a factory for revolution and violence there are none who will suffer more than the student body.

I hope that when you have read and traveled more, perhaps in Eastern Europe where the term "freedom from repression" has a genuine significance, you will realize the wisdom of Winston Churchill's observation that democracy is the worst form of government on earth, except for every other.

With kindest regards.

Sincerely,

JOHN S. WOLD,
Member of Congress.

"No doubt the young people of today, as before, have good ideas and should have a mechanism through which to express their ideas and view—however, discipline should be maintained, people and property protected and everyone's rights respected under our system."—Mr. Dupre, Rawlins.

"I agree that change is vital to progress, but perhaps some changes proposed by American youth could never be implemented through the democratic process because the 'silent majority' believes these 'changes' would lead to social and cultural chaos. Because of this, some young people believe revolution is the only way to achieve their collectivist and socialist utopia. I am 24 and a recent graduate of CSU and, frankly, I worry about many of the goals of my generation."—Gary Cape, Cheyenne.

"Having graduated from Utah State University 3 years ago I was able to see the beginning of future trouble—the administration allowing the formation of an SDS group on our campus. I am appalled at these administrators who are so weak-kneed when it comes to handling destructive student dissent. Hard earned tax dollars and contributions are spent to provide the finest facilities available for the education of our young people, and a few radical revolutionaries are allowed to paralyze some of our fine universities, preventing the serious minded students from continuing their education."—Gary Callaway, Casper.

"To condone the disruption of normal campus activities by a minor group of vocal leftists is intolerable. This is particularly distasteful to the taxpayers who pay the lion's share of monies used in the operation of our state colleges and universities."—Richard Frucher, Riverton.

"Somehow we must get to the root of the unrest. We need to support our laws too and stop the disrespect that happens in our courts of law."—Mrs. Linda Gaede, Rock Springs.

"The university of today is populated by a better group of students in terms of preparation and awareness as well as in terms of concern for world problems than any generation in the past. There is a small percentage who are militants on the left. These misfits must be deglamorized and unglorified. It is time that we stopped letting the 'tail wag the dog.'"—Paul J. Hall, Laramie.

"Campus violence is frightening. A firm stand must be taken by both college administrators and the courts where physical violence occurs or property is destroyed."—Mrs. E. L. Boedeker.

"Our son, Douglas, was student body president at Casper Junior College last year and he told us that all the student unrest was instigated by SDA spokesmen. Thank God for a college president like Dr. Aley who knows how to handle disruptive situations before they really get started."—Mrs. Roy Anesi, Lander.

"Like their parents the students have been over educated in the areas of science and technology. This results in a rapid rate of change in our way of life but little understanding of its effect on our fragile civilization. A nation of people who have limited

knowledge of law, philosophy, sociology, and other humanities become angry when they see their materialistic dream become clouded with smog and other pollutants. Campus unrest is a symptom that something has gone awry in the body politic."—David Olson, Casper.

"I am a college student at the University of Wyoming and know personally that those who caused problems on our campus last spring were out-of-staters who were on drugs and wanted to make a name for themselves. I say that the only way to see a way clear is to continue the road of peaceful dissent. These dissenters say they are out to change the world—but I, for one, would not want to live in their world. It is a pity that a handful of fools can ruin what so many of us work so hard for—an education. They preach love but act with hatred."—Roberta Rinegar, Upton.

"We agree 100% percent with your vote on all 10 bills on campus unrest. We sincerely hope that all your fellow congressmen will stand together to see that all 10 bills are justly enforced in every college and university across this great Country of ours."—Mr. and Mrs. Andrew Roskie, Wheatland.

"I do not understand why college administrators are so lenient."—Mrs. A. M. Akars, Laramie.

"I very much agree with your statements [concerning the right to dissent and the illegitimacy of violence]."—Ruth Hirsch, Jackson.

"Having attended college and having 2 younger brothers in college, I believe they are entitled to their education. I believe that . . . the instigators of these demonstrations should be severely punished."—Mrs. Margaret Colling, Casper.

"I am in favor of legislation which will curtail the activities of agitators and participants in demonstrations, whether students or outside persons. I do not believe that a minority has the right to shut down a university. Violence is not the way to bring about needed changes."—Leon Nelson, Gillette.

"I believe in dissent for it is only through dissent that changes occur. However, it is only when dissent is accompanied by an alternate plan for improvement that change can come about. Violence without any plan for improvement is merely violence with intent to do damage. None of us think that our country is perfect, and changes must occur, but lawless change is still lawlessness."—Mrs. Homer L. Hood, Torrington.

"We must see that the minority group of students who cause most of the trouble on campus is brought in line so that destruction and violence is ended. We cannot deny serious students the right to receive an education. We must show our strength and conquer this wave of trouble, violence, and disrespect of authority."—Maureen D. Flitner, Greybull.

"We are in our 20's and just left college 2 years ago. We are shocked and disgusted by the disrespect some young people show for the law, education, and for the lives and property of others."—Mr. and Mrs. Ben Peterson, Casper.

"I feel that students or anyone has the right to dissent, but not to destroy property or interfere with the rights of others."—Robert Phillips, Dayton.

"As a student at the University of Wyoming, I am grateful that there are legislators that will support those of us who are at the University to obtain an education. The events of last spring were a black eye to all universities, but the University of Wyoming handed them very well. Thank you for your concern and help."—Donald Armstrong, Yellowstone Park.

"I feel there is very little apathy in this area concerning these gigantic problems. The leadership among the law-abiding students,

professors, public officials must become stronger."—Mrs. Ronald Parker, Rawlins.

"Believe legislation should penalize Universities whose administrators fail to take direct action against student revolutionaries."—F. F. Scribner, Saratoga.

"An increase of out-of-state tuition would help discourage out-of-staters and by keeping the in-state tuition the same we will be decreasing campus unrest and encourage Wyoming students to attend our state university."—Ted Lee, Laramie.

"Any one caught involved in a demonstration that destroys public property should be forced to repay the damage regardless of how long it takes."—Floyd Morgan, Torrington.

"If, as you say, 'violence in any form is not a legitimate means of protest,' why do you support the Vietnam war and similar forms of violence?"—Jim E. Clark, Laramie.

"For every effect there has to be a cause. Do you realize that in the last confrontation the whole city of Berkeley was gassed indiscriminately—innocent people, elderly, and the very young—this alone would be enough to change any moderate to a rock throwing radical. Also, have you ever considered that campus unrest could be a symptom of some greater wrong in our society?"—Kern A. Olson, Laramie.

"When we can look at our government with pride and know we can have honest dependable men in Congress. Ones that are not always looking for the dollar. Campus unrest would take care of itself."—L. H. Otte, Hudson.

"End the war in Vietnam now and unrest will be replaced with joy as military money and personnel can be used to bring our own country social and political reforms of a free calibre."—Hulda Ann Arnold, Riverton.

"I believe that the views of the students are also the views and beliefs of the public in general. As for violence I believe it is justified when in rebellion to that which is no longer a legal government. This thing we have now certainly appears to be a government of the rich, for the rich and no one else has anything to say at all."—H. A. Neusen-schwander, Medicine Bow.

"It is my belief that the young will undo our wrongs in government regulation and let us have more say in our schools, quality of government, along with getting more involved in communities in political power action where changes need to be."—Bob Eckerdt, Sheridan.

"Where all men are bureaucrats or where education gives a man an acknowledged status (superior), the prevailing order is likely to be free of movements of protest."—George Watson, Rawlins.

"That you stop killing my brothers in Vietnam. That you quit polluting the Ocean with nerve gas. That you stop your genocide of peaceful demonstrators."—Greig Dunn, Laramie.

"Proof of a sincere concern would be best indicated by some direct involvement with students (at all levels)."—H. Wells Singleton, Riverton.

"People fail to understand that the lunatic fringe exists in all walks of life including college campus; What we need is not a fear threat but understanding and intelligence."—Doris Wolfe, Rawlins.

"We hope that you cannot seriously believe 'violence on the campus' is caused by 'a minority steeped in an attitude of indulgence and materialism.' The reasons for violence are far deeper and widespread."—Charles and Lola Wilcox, Laramie.

"This country would be well on its way toward progress and reform if politicians and constituents alike worked for cooperation and trust, not slander."—Miles Wagner, Cody.

"Although radicals cause the bulk of campus violence, student unrest is due to basic social problems, mainly war, pollution and

poverty. Until these are solved, student unrest will not and should not end."—Stephen Jensen, Laramie.

"Your failure to understand the despair behind violent dissent is adding fuel to the flame of radicalism. If the University of Wyoming burns, I think you may account your ignorance as one of the major causes."—Virginia Lee Dauglas, Jackson.

"I share your concern about campus violence—perhaps more so, because I am a student recently returned from California. All I can offer is my respect for your position and a plea to keep political oppression out of Wyoming campuses on the part of both extremes."—Miss Hollis J. Waatli, Casper.

"I agree that violence is of no value on our campuses and that students and administrators should discuss intelligently all issues which are of direct and indirect concern. However, I do not agree with administrative negative 'codes of conduct' which unwittingly foster discontent. Thomas Jefferson's 1825 code of conduct for the University of Virginia and the ensuing student disruptions is a case in point."—Professor Richard Fleck, Laramie.

"Please remember that while violence by those who are out of power is unhealthy and wrong, violence committed by those who are in power be it in Vietnam, Cambodia, Chicago or Kent State is perfectly acceptable and healthy."—C. J. Prentice, Yoder.

"To dismiss the activists as 'punks' is both simplistic and wrong. Most studies of student activists reveal that: A. They are usually the better minds, most interesting and sensitive young people on our campuses, and their alienation threatens our own future. B. Rather than rebellion against the authority of their parents, etc., most activists are living out in action the values their parents hold and transmitted to them."—Dave Steffenson, Campus Minister at the University of Wyoming.

"They [College Youth] are saying 'Mr. Nixon doesn't listen to us! Mr. Agnew calls us names! What must we do before they start to listen to us?' The recent riots and demonstrations is an indication that quite a sizable group of young people are disillusioned and frustrated and when you become frustrated the only reaction that some people know is to strike back and to strike back with a concern. I, too, am against violence, but under the present political conditions can we not say that the kind of violence we are seeing on our campuses is different from the criminal element?"—Rev. Carl R. Carlson, Casper.

"Deliberately creating dialogue between the generations—recognizing their need to speak and voice and air their opinions and be listened to—could well serve to defeat and disarm completely those radicals who love to promote the idea that the young are not being listened to by their elders."—Mrs. Norman V. Cable, Sr., Cheyenne.

"I agree that peaceful demonstrations are necessary to our democratic society. However, far too many so called 'peaceful demonstrations' turn into riots. We must not allow this situation to run rampant or, as you say, our educational system will be severely jeopardized."—Kent McDaniel, Casper.

"I, being an educator, believe that the large majority of our students are sincere and loyal Americans. I also believe, that teachers like Miss Davis at UCLA, some students and a number of professional agitators, like Rubin, Seale, and Hoffman stir up trouble and use the news media to make it appear as if all students are involved."—Alvin Svalstad, Jackson.

"Can you imagine someone carrying a German flag during World War I or a German and Japanese flag in World War II. Why, then, do we permit traitors to parade through our streets carrying flags of people who are daily carrying out the killing of American

boys. I especially like H.R. 16916 which also mentions members of faculties who should not be allowed to continue teaching."—Judson F. McCormick, Rock Springs.

"Legislation should be manufactured and instituted immediately to take care of this cancerous situation. It is obvious to all good Americans the objectives of these young revolutionaries is to break down all law and order and the eventual overthrow of our government. We just cannot allow this contagious infection to envelope our fine young people, who are America's future."—Jeff McKibbin, Worland.

"My wife and I were in Laramie to interview 3 students for a scholarship the day we supposedly had hundreds of students protesting. Of 8000 only a couple hundred were standing around. I was so disgusted with the head of our university that I went to the editor of the *Wyoming Eagle*. He had not received his print and we tried to get him to run an article about the other 7800 students activities on that day side by side on the front page with the protestors and he refused. I left a signed statement with him to run in the paper and I still feel that the head of the University could stop this by just doing his job with the laws we have on the books now. The newspapers could print both sides and all the sensationalism would be gone."—J. L. Hunnicutt, Cheyenne.

"Colleges are tax supported; therefore, public owned institutions operated for the benefit of all citizens. When any minority or majority group disrupts the educational processes in any illegal or violent manner, they should be dealt with by process of law or by whatever means necessary by public officials. All citizens are and should be subject to the laws of our land; otherwise, we have no need of any type of governing officials."—Conrad L. Handley, Casper.

"Instead of educating our youth in the art of making as much money as possible for our own pleasures, education should encourage each of us to accept the work of answering the nation's needs. Right now it is environmental studies, and determining the right course to take. There will always be negative groups of people trying to pull the others down. The important thing is to keep the positive groups on the challenging, growing edge of the nation's life. There is a very deep desire in most people to be educationally equipped to do something about the needs of our times."—Charles Brown, Jackson.

"We possibly do need changes, but I don't believe that any of these idiots has earned the right to tear down what the taxpayers have paid for. There are too many young intelligent people that would love the opportunity to get an education that can't afford it. To allow a small minority to continue to get away with the destruction of our universities. Kick them out and let the people with a little intelligence get their education."—Clyde Beedle, Rawlins.

"We think that campus unrest would be handled best at the state and local levels. Voters should demand that college and university administrators serve the cause of truth, honor, and decency; and possess a dedication to law and order. We are appalled that some administrators will not enforce student-unrest amendments. It is readily apparent that many university administrators and professors do not possess the right kind of qualities. Administrators should set a limit on dissent and demonstrations, and should carry out duties of enforcing these rules unflinchingly and impartially. We question the necessity and effectiveness of the President's Commission on Campus Unrest."—Mr. and Mrs. W. A. Svoboda, Riverton.

"We must not allow extreme demonstrators to destroy our nation and young people's minds. If the current trend of violence con-

tinues, our younger generation will not know the difference between right and wrong. Our courts and laws must be strengthened to prevent destruction of our great society . . . this must begin at once."—Richard C. Bryan, Powell.

"I have attended classes at many campuses throughout the country while earning my degree. In every case, the majority has wanted to see firm direction from the administration. Instead in many cases it (unrest) is met by indecision. I consider well thought out rules by the administration one of the most important factors. Next is fair treatment to all regardless of race and background."—Edgar Sears, Cheyenne.

"Students who protest at the expense of other students' time and money should be expelled. Students who intentionally break school and/or campus rules should be arrested. Too many students are being cheated out of their education by students who denounce education as establishment propaganda."—Robert and Marjorie Null, Cheyenne.

"We think it is a national shame that a minority of young people are being allowed to put fear in the hearts of conscious minded citizens and to jeopardize the opportunities of our deserving young people. There is too much leniency in our laws."—Mr. and Mrs. M. L. Murphy, Rozet.

"We need some laws to deal with those who would destroy what we have in this country. I have no patience with these radicals, as they have nothing to contribute that I know of, except destroy our nation."—Glenn Morris, Sheridan.

"I feel that those who take part in riots, demonstrations and such should be expelled from college. There are others who wish to learn and can't get in; why should these people be allowed in if all they want to do is cause trouble. They can't really want an education."—Janet M. Knight, Yellowstone Park.

"I feel that student dissent is meaningless unless they, the students, have a concrete, acceptable substitution to replace the tried and proven methods of the establishment. Let's have more industrial education over the nation. We can't all be administrators. We're oversupplied with Chiefs and too darn few Indians."—Louise Ekdall, Cheyenne.

"These people are openly, defiantly, and purposely destroying the rights, property, privileges of others, as well as our democratic form of government."—Donald L. Hill, Basin.

"We condone the violence and demonstrations of the Sds and their sympathizers by giving them publicity. Take that away from them and ignore them. We have too many hard working fine students who need the publicity instead."—Mrs. Edmund Zyzkowski, Dubois.

"I think all educational aid should be withheld from any student known to have participated in any of these demonstrations, and the law enforcement and judicial departments should put some teeth in their handling of these law breakers. Ordinary taxpayers cannot tolerate these actions indefinitely."—Jacqueline Skovgard, Buffalo.

"I believe that all citizens of this great United States of America have the right to protest any bad condition or situation but I also believe that it should be done within the due process of our laws and when it isn't we lose our freedom and become slaves to tyranny."—H. L. Bob Pease, Newcastle.

"See that equal time is given to our government and country at rally protests and such places that tend to influence the young and sometimes easily swayed college students."—John Ranger Nunnery, Gillette.

"I would deny financial support to any institution that accepts the SDS organization on campus, or retains a faculty member who supports or participates in campus riots or disruption of legal activities on campus."—A. H. Sawyer, Rock Springs.

"Are these demonstrators better than our boys who are fighting and a lot of them dying to protect our flag? If so, what makes them so special? If not, then lets do something about them treating the flag like it was a rag. Or else lets quit sending boys to die for it."—Albert Prather, Wheatland.

"I, have no respect for school administrators who allow students to run things and hold demonstrations during class periods."—Mrs. A. T. Miller, Cody.

"Laws should be able to be enforced. There seems to be a break down somewhere. If laws we have cannot be enforced, they are no good to anyone."—Verl Allred, Sr., Saratoga.

"Positive action by responsible students should be encouraged to take charge of student newspapers, student government and other student activities."—Alden S. Ingraham.

"I'm sure we'll always have people who choose to disregard the rights and property of others, and we've all seen what happens when they are not restrained."—Kenneth Brown.

"We hope you and other congressmen will put a stop to all this destruction."—Mr. and Mrs. P. H. Sawyer, Meteetse.

"I urge you to support any measures which would help to get college and high school students actively involved in peaceful change. For instance, courses could be initiated which give credit and guidance in public help projects. Our schools have a vast potential wealth of resources which should be directed at least in part to the ills of our society."—Dean Roubos, Yellowstone Park.

"I am an instructor at Northwest Community College in Powell. I am for America and deplore the tragedy of tearing down our institutions. Law and order must prevail or our country is lost. However, I think our young people are justly concerned about our environment and what they will inherit."—A. L. Mickelson, Powell.

"If we don't get some 'guts' into our old and new laws, our failure of control will continue."—Rollin Bisbee, Evanston.

"I feel that these violators of our laws should be treated the same as I would be if I got mad at a neighbor and bombed his home. I feel that students taking part in violence should be expelled so the rest may continue their honest goal to learn."—Mrs. Oral Berry, Sheridan.

"I am a girl of 18. I enrolled in a college for the fall term a few weeks ago, but now my parents have decided that I cannot go because they are actually afraid for my life. Our colleges are becoming a mockery to society. I'm proud to live in a state that is making an all-out effort to change the situation."—Sandra McLean, LaGrange.

"I believe that we have endured this problem of violent dissent with far too much leniency, for too long."—Dick Mercer, Hyattville.

"I heartily support your actions in trying to cope with the radicals on campus; however, it seems that to a great degree the problems lie within the school administrators and directors. Until we can get administrators and directors with backbone that are willing to stand up for law and order, the entire educational system will remain in jeopardy."—Byron Lee, Casper.

"The colleges should maintain their own order. They should have rules on conduct and enforce them. The government should only be involved by encouraging the Supreme Court to prosecute those who want to overthrow our government—such as SDS, Black Panthers, Communists, etc."—Mrs. Robert Jack Smith, Rawlins.

"Being a student at a small college and having a daughter who will be a junior in college, I see both sides of the issues. I feel

Congress should help the students who need it—for they will be better equipped leaders tomorrow. May I ask if burning down a building, sniping and throwing bricks at persons engaged in performing their duty, and in general creating violence is actually condoned in our Constitution? Surely some action must be taken in government and by responsible persons to protect the citizen on the receiving end of the violence. If an ordinary citizen walked on campus and deliberately created a disturbance or burned the administration building down, he would be arrested and brought to trial. Where is our 'fair lady of justice' on these matters?"—Mrs. Marian Sagrilla, Powell.

"Dissent is all right; but dissent with violence—dissent with no constructive solutions to the problems is all wrong."—Evalyn Galloway, Savery.

"These youths are contradicting their own cry—'Peace and Freedom.' I firmly believe these students should be prosecuted to the fullest extent for destroying property and denying others their right to an education."—Janet Lawrence, Buffalo.

"I believe in peaceful, lawful demonstrations but not to the point of obstructing others from attending classes, destroying property and harming persons. A neighbor and I have even discussed not sending our sons to college if it means their becoming involved in or being hurt by radical groups. Everyone with whom I have discussed this problem is very concerned for their own youngsters and the very foundations of our educational system."—Mrs. Thomas Trautner, Cheyenne.

"I am 22. I had 2 years of college in Powell, Wyoming. I feel college students are still children when acting in this manner. Authority is what they want—firm rules must be set up before the students even start college and they can't be bluffs. As you said; dissent is their right; violence is not."—Mrs. Carol Nardelli, Powell.

STATEMENTS OF CATHOLIC CHARITIES, ARCHDIOCESE OF NEW YORK; CATHOLIC CHARITIES, DIOCESE OF BROOKLYN; FEDERATION OF JEWISH PHILANTHROPIES OF NEW YORK; AND FEDERATION OF PROTESTANT WELFARE AGENCIES OF NEW YORK, ON THE BILL, H.R. 16311, THE FAMILY ASSISTANCE PLAN

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. ROONEY of New York. Mr. Speaker, under the permission heretofore granted me by unanimous consent, I include with these remarks certain statements of Catholic Charities, Archdiocese of New York; Catholic Charities, Diocese of Brooklyn; Federation of Jewish Philanthropies of New York; and the Federation of Protestant Welfare Agencies of New York, submitted to the Committee on Finance of the other body on August 31, 1970:

SUMMARY OF STATEMENT OF CATHOLIC CHARITIES, ARCHDIOCESE OF NEW YORK; CATHOLIC CHARITIES, DIOCESE OF BROOKLYN; FEDERATION OF JEWISH PHILANTHROPIES OF NEW YORK; AND FEDERATION OF PROTESTANT WELFARE AGENCIES OF NEW YORK, ON H.R. 16311

I. We fully support the basic innovative features of H.R. 16311 to wit—

1. The establishment of national minimum income standards;
2. A federally-financed income maintenance system;
3. The inclusion of the so-called working poor within The Family Assistance Plan;
4. The establishment of a correlative system of training and employment to enable poor persons to break the cycle of poverty; and
5. The development of a definitive system of social services separate and apart from income maintenance.

II. We urge the following revisions:

1. Annual increase in the minimum standards until the lower living standard of the Bureau of Labor Statistics is reached;
2. Inclusion of childless couples and single persons;
3. Provide freedom of choice to mothers with respect to registration for training or employment; and
4. Require that State supplementation programs include families headed by working and unemployed fathers.

III. We support the concept of partnership between public and nonprofit agencies in providing social services, as well as the concept of freedom of choice of the individual in the selection of public or nonprofit agencies for provision of social services.

IV. We believe enactment of this legislation by the current session of Congress to be imperative.

My name is Sanford Solender and I am the Executive Vice President of the Federation of Jewish Philanthropies of New York.

I wish to thank you on behalf of my colleagues, Bishop Edward D. Head, Executive Director of the Catholic Charities of the Archdiocese of New York, Father Joseph M. Sullivan, Executive Director of Catholic Charities, Diocese of Brooklyn, and Mr. John J. Keppler, Executive Vice President of the Federation of Protestant Welfare Agencies of New York and myself for the opportunity to appear this morning to testify on H.R. 16311, The Family Assistance Act of 1970. We see the objectives of this bill as a milestone in the field of national social welfare policy, second only, in our opinion, to those of the Social Security Act of 1935. It is because we share this view, and because we are convinced that action on this vital subject of national import should not be deferred by the present session of Congress that we present this concerted appeal to you.

Never before, to our knowledge, have the heads of the federated Catholic, Jewish and Protestant Welfare agencies appeared before this committee, or perhaps any other Congressional Committee, to testify with one voice on behalf of any legislative proposal to aid the poor and needy. That we establish this precedent today should make it amply clear that we would regard a failure to enact this legislation at the current session as a most unfortunate omission, and one which would decidedly not be in the best interest of our country.

This is not to say that we approve all the provisions of this bill. As we shall make clear, we believe the bill can and should be materially improved in a number of respects. However, we do regard as imperative the enactment into law of its basic reform and innovative features.

These noteworthy features are (1) the establishment of national minimum income standards, (2) a federally financed income maintenance system, (3) the inclusion of the so-called working poor within The Family Assistance Plan, (4) the establishment of a correlative system of training and employment to enable poor persons to break the cycle of poverty, and (5) the development of a definitive system of social services separate and apart from income maintenance.

The establishment of the principles reflected in this bill is essential if we are to rid ourselves of the outmoded, and, by now, counterproductive system of categorical public assistance grants—a system which was useful in its time, but which is today largely responsible for the failure and frustration which pervade the welfare programs in this country. The inequities built into these programs in many of our poorer states are responsible in considerable measure for the crisis in our urban ghettos and for the moral breakdown in thousands of families. The lack of federally-financed, minimum national standards has led to grossly inadequate allowances, discrimination against the working poor, particularly those with large families, and the disruption of family life through "man in the house" rules and other devices. The stigma of welfare increasingly polarizes our society and feeds the flames of racial and class hatred. We believe that it is time for a new start. H.R. 16311 offers the opportunity for such a start.

Having said this, we address ourselves to certain clear weaknesses in this bill. In the first place, as even the bill's strongest supporters have consistently pointed out, the stated minimum income level is too low. Every person should have an income which meets at least the lower living standards of the Bureau of Labor Statistics. If it is not fiscally feasible to establish this at once, we suggest that provision be included by means of a timetable written into the law for an annual increase in the minimum standard until the desired level is reached at the end of perhaps three, but no more than five years.

A second basic weakness is the exclusion of single persons and childless couples. There is, in our judgment, no sound reason for such a discriminatory policy. Common humanity demands that no person be denied the means of subsistence and certainly not on the basis of artificial criteria or shortsighted economies.

Third, the requirement that all mothers, except those with preschool children, be required to work is both unreasonable and impracticable. The need of children for their mothers cannot be regulated by such arbitrary and unnatural requirements. Age is merely one of many factors in determining whether a mother's presence in the home is required. Who is to say whether a child of eight years may not, under certain circumstances, more desperately require a mother's presence than another child of four or five? To legislate arbitrarily requirements on a subject of this nature, touching the welfare of children, is to promote hardship and suffering for certain families and to encourage a disrespect and disregard for the program as well. Considering the large number of mothers involved, we believe it will be a long time, and perhaps never, before there will be available a sufficient number of day care centers or homemakers to act as parent substitutes. Moreover, from a coldly financial point of view, maintenance of the mother at home with her child will in countless instances be cheaper than day care or homemaker service for the same family.

Fourth, we believe the recent addition of the provision withholding federal reimbursement for state supplemental payments to families headed by unemployed fathers is a serious mistake, as is the exclusion of those headed by employed fathers. Since a family headed by a mother will be entitled to both federal payments and state supplemental payments, this policy will merely encourage the embittered father to leave the household and thus perpetuate the tragic error of our present laws in disrupting the stability and integrity of the family. No saving in tax funds can justify this result. Any saving in this respect is illusory in view of the enormous price we must pay for the consequences of

family breakdown and the eventual separation of parents and children.

Finally, we wish to comment briefly on Title XX relative to individual and family services. We view this Title as a major element of needed reform. The proposed separation of financial assistance from delivery of service is basic to any structural improvement of the welfare system.

There are at least two areas in which present policy and programs are altered in a way we consider undesirable:

For the first time, a ceiling is placed upon allotments of federal funds to states for social services based upon expenditures for fiscal 1971. The obvious effect of this is to limit federal expenditures for social services in future years, regardless of the extent to which states may find it necessary to expand services to needy people.

Eligibility for free services is restricted to families with incomes below the poverty line. This would be true even in the several states whose assistance benefits exceed the poverty level. In these states, assistance recipients would be required to pay a fee for services. The number served would be very small, since only 10% of federal service funds could be used for those who pay a fee. The poverty-line eligibility restriction would also cut off free services from families who need them to keep from falling into poverty.

We recommend that eligibility for free services be established at the same level as that recently established for participation in the Food Stamp Program.

Nevertheless, we appreciate the underlying values and sound objectives of this plan. We endorse the effort to strengthen family life, to promote the care and welfare of dependent children, and the special regard for services to the poor.

It is important in this area of services to be mindful, also, of the fruitful partnership between the public and nonprofit sectors. We would underscore three basic principles which we believe should be clearly and unequivocally enunciated in the final draft of the Title dealing with social services. These are:

1. The concept of public-nonprofit partnership in welfare should be stated, and assurance provided for the role of the nonprofit sector in the planning and provision of a wide range of adequately-funded social services.
2. Respect for individual dignity and the right to self-determination. The individual must be free to either accept or reject the service. Further, he must be free to choose the service from whatever source he deems appropriate, from either the public or nonprofit sector, it being fundamental that both nonprofit and public agencies be available to supply the services.
3. Clear authority should be set forth for the utilization of the services of the nonprofit sector through purchase of services and other contractual arrangement.

The members of your Committee, having heard the testimony of many informed and concerned individuals and organizations, are in a singular position to pass judgment on this proposal to reform and recreate our outmoded public welfare system. The time is long overdue for this most prosperous and most fortunate country in the world to put an end to the blight of poverty. We can no longer afford to tolerate even a small percentage of Americans whose means of subsistence fall below the accepted norm of what is essential. We cannot, in this country, plead the lack of means to abolish poverty. On behalf of the millions of needy persons served by the organizations we represent, and all who will benefit from this legislation, we appeal to your compassionate understanding of their plight. We urge prompt and favorable action by your Committee of this most essential legislation.

INFLATION AND YOUR
GOVERNMENT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. ASHBROOK. Mr. Speaker, if one reviews the popular explanations regarding the causes of inflation, it will readily be ascertained that the field of economics can hardly be classified as an exact science. Government spending, trade unions and the price policies of industry are singled out as culprits by various sources. On closer analysis, when one considers the major role played by the Government in our monetary system, the overriding responsibility of the Federal Government becomes clearer.

Recently, the Federal involvement in the inflationary spiral was highlighted by J. Howard Pew, the Philadelphia industrialist of Sun Oil Co. and the Sun Shipbuilding & Dry Dock Co. His sobering presentation of facts and figures provided a realistic meaning to the phrase "Government spending." For those who hold that Federal dollars cure all ills, Mr. Pew cautions that such a panacea exacts its penalties.

With the issue of inflation presently commanding a top priority in the Nation today, taxpayers would be well advised to join the Watch Washington Club, that segment of citizens who appreciate fully the role played by the Government in the depreciation of the American dollar.

Following are the remarks delivered by J. Howard Pew at the William Penn Award Dinner in Philadelphia on May 21, 1970:

REMARKS BY J. HOWARD PEW

We of the Delaware Valley are the beneficiaries of the greatest heritage ever handed down to posterity. Not only did we inherit the wisdom of some of the greatest minds of all time, but we were bequeathed a vast industrial empire—an empire which is now being so eroded by inflation that its very survival is in doubt.

Inflation is generally supposed to be the result of the increase in the quantity of money and credit. This is no doubt true, but it is not as simple as that. The increase in the quantity of money and credit may be but the symptom of the disease. As government has absolute control over our monetary system, government alone is responsible for inflation. Inflation operates by reducing the purchasing power of the assets of the people and of corporations. Just as the people and corporations are hurt, to that extent the government is benefited. Inflation, therefore, is a device by which the government in effect becomes a legalized counterfeiter. Because inflation is a hidden tax and most of the peoples of the world do not recognize it as such, governments have for thousands of years periodically employed inflation for the purpose of swindling the people out of their savings. President Nixon, with the counsel and advice of some of the greatest economic minds in this country, is making a real effort to control inflation. However, as the government has for 35 years imposed inflation upon the American people, it is inconceivable that it can be stopped in a month or in a year or in several years, and it can never be stopped as long as the Federal, State, and local governments impose a tax on the American people of \$336 billions of dollars per year.

The measure of inflation, as I have already pointed out, is the increase in the quantity of money and credit. In my talk here tonight, I am using the words credit and debt interchangeably. In 1945, at the end of World War II, the total of all private and public debt was approximately 400 billions of dollars. If we take the 24 years from 1945 to 1969 and divide them into four 6-year periods, we find in the first period total debt increased 29% to \$519 billions. In the second period it had increased 40% to \$728 billions. In the third period it increased 47% to 1,071 billions. In the fourth period, ending in 1969, it increased 56% to 1,669 billions. Or, putting it another way, the increase in the last 6-year period ending in 1969 equalled 1½ times the total debt that existed at the end of World War II. This is such a fabulous debt that the mere interest on it at 8% amounts to 133 billions of dollars per year, which is the equivalent of \$2,600 for every family in the United States.

As I pointed out a moment ago, the total taxes which the American people must pay to the Federal, State, and local governments totaled last year \$336 billions. This is such a fantastic figure that our minds cannot comprehend it. It is the equivalent of \$6,600 for every family in the United States. Obviously, it is impossible for the American people to carry such a burden.

Government has not been generous to American industry. It has not allowed industry to adequately depreciate its property. American industry should be permitted to include in its operating expenses a fund sufficient to reproduce such of its plant and equipment as has become worn out or obsolete. But government will not permit depreciation to be increased by inflationary costs. An understatement of depreciation results in an overstatement of earnings and an increase in Federal taxes. The United States Steel Corporation, in its last annual report to stockholders, had this to say about depreciation, and I quote:

"The current tax formula for the recovery of capital and investment of plant and equipment is based on charges for the depreciation of dollars invested in the past, but because of inflation these dollars have less buying power today. Thus allowance for depreciation is too small even to maintain existing investment."

American industry has made this country a great nation, and yet last year, according to the Federal Trade Commission, the consolidated earnings of all manufacturing corporations in this country were \$58 billions. This \$58 billions was after the allowed depreciation but before federal taxes. Now we know that the average life of an American industrial plant is 17 years. We also know that the cost of such a plant is 2¼ times what it was 17 years ago. As the allowed depreciation was \$23 billion, it becomes obvious that the inadequacy of depreciation was \$28 billion. Thus the real earnings, before Federal taxes, of American corporations were not \$58 billions but only \$30 billions. Of this amount, industry paid over to the Federal government in taxes \$25 billions, leaving the real net earnings of American industry \$5 billions. But industry paid to its stockholders last year in the form of dividends \$15 billions, a large part of which was paid over to the government in taxes by the stockholders. Thus the amount of taxes which the government obtained, directly and indirectly, as a result of the operations of American industry, was more than industry actually earned. American industry normally creates 83% of the wealth in this country. As American industry produced no wealth last year, where did the wealth come from to support the government? Obviously, it came from the borrowings of the people and of the corporations which was eventually paid over to the government under the guise of taxes.

Harry Hopkins, one of the early bureaucrats, is reputed to have said: "We will spend and spend and tax and tax and elect and elect." Whether he said it or not, the orgy of government spending has been unprecedented. To satisfy government's appetite for more and more taxes, American industry and individuals have been compelled to borrow vast sums of money—money which was created by the government at no cost to itself. This is the real source of inflation. This situation cannot be cured until the government drastically curtails its spending—until the government comes to understand that it is not its responsibility to provide for welfare, security, agriculture, education, health, foreign aid, etc. This is an entirely different concept than that which exists in government circles.

I would not have you believe, from what I have said, that I am opposed to aid for the needy. I am not. But this is the responsibility of the churches and other charitable institutions. It is not the responsibility of the government. America can survive only if a sufficient number of knowledgeable and dedicated men are willing to involve themselves in bringing the government back to its proper perspective—the Constitution of the United States, as conceived and interpreted by our founding fathers.

STAND AGAINST COERCION

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. BRAY. Mr. Speaker, the following editorial from the September 15, 1970, Indianapolis Star is especially pertinent, as the Supreme Court prepares to consider the crucial question of busing pupils for purposes of racial balance.

STAND AGAINST COERCION

Mayor Richard G. Lugar, in urging Indianapolis school officials to "renounce busing, coercive transportation, once and for all," was asking them to observe the law as well as the best interests of the community, including its school children.

The 1964 Civil Rights Act specifically prohibits busing to achieve school integration and forbids the assigning of pupils to public schools on the basis of race.

Under pressure and threats from what Lugar called "low-echelon Department of Justice functionaries," the last Board of School Commissioners drew up integration plans which require busing and assignment of pupils on the basis of race.

Subsequent communications from the "low-echelon functionaries" make plain their intent to coerce Indianapolis into submitting to a scheme that would require an artificially imposed racial balance in every public school in the city and require massive-scale busing.

Lugar was correct in saying that the motive behind the last school board's urgent determination to spend \$8 to \$10 million on a new Crispus Attucks High School—which he said would be "a misuse of precious tax dollars"—was a desire to effect racial balance. In this case, too, it was pressure and threats from the same group of functionaries that coerced the school board into making its decision, causing the intense furor and polarization that ensued.

Indianapolis in the past decade has made substantial racial progress in contrast to many large American cities, and is likely to continue to do so in the absence of externally initiated schemes that produce polarization of attitudes.

We hope that the new school board weighs Mayor Lugar's words, which represent apparently prevailing community sentiment, and instead of bowing to outside coercion makes the genuine interests of the city the basis of its policies and decisions.

BANKRUPTCY REFORM

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. RYAN. Mr. Speaker, on June 30, Senate Joint Resolution 88, to create a commission to study the bankruptcy laws, was before the House. I voted for that resolution, and in doing so, noted that I hoped the commission would undertake a thorough, in-depth examination of the present system whereby bankruptcy referees and trustees are appointed. I also expressed my concern that the commission would make recommendations for reform to insure that the potential for abuse of this system is eliminated.

An article by John P. MacKenzie, which appeared in the August 2 edition of the Washington Post, is particularly interesting in this regard. Headlined "Court's Role Clouds Huge Bankruptcy Case," the article details a controversy involving the U.S. District Court for Western Oklahoma and its role in what is described as "one of the Nation's most lucrative bankruptcy proceedings."

I commend this article to my colleagues, not as a criticism of the court—which I in no way intend—but as an informative discussion which points out the wisdom of creation of a commission to study the bankruptcy laws.

The article follows:

[From the Washington Post, Aug. 21, 1970]

COURT'S ROLE CLOUDS HUGE BANKRUPTCY CASE

(By John P. MacKenzie)

OKLAHOMA CITY, Okla.—The U.S. District Court for Western Oklahoma, still feeling the effects of a major judicial scandal, is on the brink of further controversy—this time over legal ethics in one of the nation's most lucrative bankruptcy proceedings.

The spotlight is back on this community because of upwards of half a billion dollars in claims against Four Seasons Nursing Centers Inc. and its managers, and jostling among lawyers whose fees, according to one estimate, could reach \$250,000.

The court is the scene of some unusual steps in the reorganization of Four Seasons, one of last year's hottest stocks whose spectacular collapse has brought major economic and political consequences.

Among the unusual moves:

1—As trustee to administer the firm and all of its faltering subsidiaries, the District Court here has appointed Norman Hirschfeld, a veteran management * * * last who as a paid consultant for Four Seasons recommended the very bankruptcy action that is now pending. Federal law requires a "disinterested" trustee to insure impartiality during the many-sided battles for corporate and operating rights.

2—Chief Judge Luther Bohannon, taking command of the case after its initial assignment on rotation to another judge, appointed

as co-counsel for Hirschfeld a member of the judge's former law firm, Edward Barth.

Barth's present law partners include one of the judge's closest social and professional intimates, Bert Barefoot Jr., and the judge's son, Richard L. Bohannon.

3—A. P. Murrah Jr., son of the recently retired chief judge of the Tenth U.S. Circuit Court of Appeals, which covers Oklahoma, has performed legal services for Four Seasons both before and since the bankruptcy action was begun. Young Murrah's senior partner, John C. Andrews, is a defendant in civil suits charging Andrews and other former Four Seasons officers with fraud on the company and its stockholders. Judge Murrah has jurisdiction in a preliminary decision in the case.

The kindest appraisal of some in this legal community was that some of the actions so far were of little consequence because all the principals were men of integrity who had learned over the years to trust each other despite spirited adversary court proceedings.

A court clerk said that Judge Luther Ewbanks, to whom the case was first assigned, was tied up in an antitrust matter. Consequently the case was transferred to Judge Bohannon because, it was said, of Judge Bohannon's expertise in bankruptcy affairs. Appointment of counsel to the trustee was credited to the recognized talents of Barefoot, the judge's former partner and head of the firm of Barefoot, Moler, Bohannon & Barth, though no one claims that only Barefoot's firm possessed the requisite skill, or that the skills of Hirschfeld, a respected business adviser, are unique.

"You just have to know the community to understand this sort of thing," said one lawyer who knows the scene well, so well that he asked not to be identified.

The courts here have been in the news previously, most notably for events. In the mid-1960s, four judges of the Oklahoma Supreme Court were convicted on charges that included bribery and criminal evasion of taxes. And for the last five years there has been a running controversy over whether U.S. District Judge Stephen S. Chandler should continue to hear cases after he was censured by his circuit court superiors for injudicious behavior.

Chandler's troubles, according to an unpublicized congressional study, stemmed from decades of bitter rivalry with Judges Murrah and Bohannon. Judge Chandler, now 70, still is pondering his next move after the U.S. Supreme Court rejected his appeal from the Tenth Circuit Judicial Council's 1965 action stripping him of most of his caseload.

A House Judiciary Committee report scolded all three judges—Chandler, Bohannon and Murrah—for behavior that "brought discredit on their courts."

The future of Four Seasons—whether it can reorganize and revive or must dissolve and leave uncounted financial victims in its wake—is of considerable national consequence, both economically and politically.

The far-flung creditors of Oklahoma-based Four Seasons are anxious about the threat to their investments that began last spring when trading on the company's stock was halted, an anxiety that was heightened when the firm sought refuge in bankruptcy court June 26.

Dozens of European financial institutions invested in Four Seasons. The state of Ohio, in a transaction that has shaken the Ohio Republican Party and threatened it with statewide defeat in the fall elections, loaned Four Seasons \$4 million and wants it back. Stock market operators and little investors bought Four Seasons stock for as much as \$90 a share after its price soared from an initial offering of \$11. They seek damages both to make themselves and the company whole again.

Four Seasons issued stock to the public

late in 1967 with optimistic forecasts resting largely on the expectations of large Medicare payments and promises to establish a chain of efficient, franchised health care centers across the country. Its collapse has been attributed to the decline in the stock market, setbacks for most franchise operations, tight money and high construction costs and, according to disgruntled, suing stockholders, financial mis-dealings by management.

The truth or falsity of charges in a dozen lawsuits remains to be established in drawn-out and expensive court proceedings.

Five stockholder actions have been consolidated in New York federal court. Basically they claim that Four Seasons insiders, including investment bankers who helped float the stock initially, concealed information contrary to the glowing predictions of former president Jack L. Clark, director Andrews and others.

The suits accused the officers, among other things, of spinning off a subsidiary called Four Seasons Equity Corp. and transferring substantial assets to the new firm at the expense of Four Seasons shareholders, who were kept in the dark about such details.

Trustee Hirschfeld is caretaker and interim operating head of both Four Seasons and Four Seasons Equity, although the two firms are potentially at odds as the trustee seeks to collect the assets that belong to each.

Hirschfeld and his lawyers are locked in a battle with the New York shareholders and their attorneys over control of lawsuits designed to recover the Four Seasons assets. Hirschfeld seeks transfer of the New York suits to Oklahoma, where the bankruptcy petition was filed. The Manhattan lawyers are resisting, arguing that Hirschfeld is in no position to pursue all the claims involved.

Ira J. Sands, a New York lawyer representing large blocs of stockholders, told a New York court that Oklahoma City is the wrong place to adjudicate the Four Seasons case, partly because of its inaccessibility to most of the parties involved and because of the tightly interlocked legal fraternity that has taken a leading role in the bankruptcy proceedings.

Sands has said that Hirschfeld, who has filed a suit against the directors of Four Seasons alleging fraud, is in the position of the organization through its present trustee suing itself.

The question of where and how these lawsuits shall be handled has been taken to the Washington headquarters for a multi-district panel of judges that referees such jurisdictional disputes. The panel's chairman is Judge Murrah, 65. Murrah, who has abandoned active judicial status, is also the head of the Federal Judicial Center, which conducts research and training in Federal Court management.

The senior Murrah while not involved in the Four Seasons battles, has connections with most of their central characters. Like Barefoot, he is a former law partner and long time close friend of Judge Bohannon. Two of his former law clerks are Barth, 33, the co-counsel for the bankruptcy trustee, and young Bohannon, 35, each of whom in turn is a partner of Barefoot.

Barth could not be reached for comment. The younger Murrah said he has been "acutely aware" of the ethical problems involved and ceased doing legal work for trustee Hirschfeld as of July 23.

Murrah said he performed an "innocuous act" when he filed the petition for reorganization for the company and when he appeared with Hirschfeld before Judge Bohannon to discuss the trusteeship on June 26. He said he saw no useful purpose in going through the formality of withdrawing as counsel for the debtor firm, since the trusteeship leaves him with little to do in that capacity.

Judge Bohannon declined to comment. It is known that he sought the opinion of an attorney for the Securities and Exchange Commission about Hirschfeld's eligibility and has asked an ethics committee of high-ranking federal judges for its opinion on the appointment of his son's law partner.

Hirschfeld would say only that he had been a consultant briefly for Four Seasons and that he worked for the firm only long enough to recommend the petition, which seeks to stave off final bankruptcy while the trustee works out a court-approved plan to keep the company going. He would not discuss his consultant's fee, or the circumstances surrounding his appointment.

Hirschfeld did say he will be surprised if his eligibility to act as trustee is challenged in the court hearings next week when his confirmation as trustee will be asked. Asked whether he saw a problem in his assuming the trusteeship, he said that if he had, "obviously I wouldn't have accepted the appointment."

The handling of federal bankruptcy actions in this city lay at the heart of the "ancient personal and political rivalries" among its judges that led to censure of Judge Chandler and stripping of his case-load, a confidential House Judiciary Committee report found.

"Historically," the report observed, "court administration of bankruptcy and reorganization matters has been an area where the judge, through his power to appoint trustees and to approve attorney fees for the various interests involved in reorganization proceedings, has had an opportunity to dispense largesse and to be responsive to personal interests in the community and bar."

Chief Justice Warren E. Burger called for extensive overhaul of federal court bankruptcy machinery in his "State of the Judiciary" message last week, but he did not specify any particular areas of abuse or need.

One long-standing reform proposal, to remove bankruptcy from court patronage through recruitment of permanent professional bankruptcy officials, may become increasingly attractive at a time of widespread business failure.

JUSTICE IN SOUTH AFRICA

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. DIGGS. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the New York Times, Sept. 16, 1970]

JUSTICE IN SOUTH AFRICA

For the second time this year, South Africa's Supreme Court has demonstrated a rare independence of the Government and struck a considerable blow for justice and fair play. Justice Gerrit Viljoen has acquitted nineteen black Africans charged under the drastic Terrorism Act with plotting to overthrow white rule.

Justice Viljoen ruled that the charges against the nineteen were substantially the same as those of which they and three others were acquitted last February under the slightly less pernicious Suppression of Communism Act. On that occasion, the defendants, who have been in solitary confinement much of the time since their arrest in May 1969, were rearrested under the Terrorism Act even before they could leave the courtroom.

For months after that second arrest it seemed that the State intended to hold the

blacks indefinitely, without charge, as it can do under the law. The fact that it finally freed three of the original defendants and brought the others to trial owed much to a rising protest against their detention by lawyers, students, newspapers, church and women's groups.

In Premier Vorster's country, however, not even a second acquittal insures that the Africans will long be free. The courts have spoken, but the Government still could put the nineteen under house arrest by administrative action and thus deprive them of the chance to earn a living.

The Vorster regime could get badly needed credits from a critical world if it would indicate a willingness to abide by the court verdicts. It could gain even more standing by repealing the heinous Terrorism Act, which the Johannesburg Bar Council has branded "subversive of the proper administration of justice in South Africa."

REV. BILL DEATHERAGE WRITES ABOUT OUR GREAT PAUL BOESCH

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. CASEY. Mr. Speaker, we in Houston count our great fortune not in buildings, industrial plants, and money—but in the richness of great men who contribute so much to people and our culture.

Two such men are my good friends, the Reverend Bill Deatherage, pastor of the Second Christian Church—and Paul Boesch, author, poet, and a powerful professional wrestler with two magnificent cauliflower ears.

I was greatly pleased to read Bill's column in the Second Christian Church edition of Houston Times, in which he brings to the attention of his flock the great attributes of Paul Boesch. Because I believe the sage observations of these two fine men merit the attention of my colleagues, I am including the article at this point in the RECORD:

A DISCOVERY: A CHALLENGER TO EXCELLENCE
(By W. P. Deatherage)

(NOTE.—Spoken before a joint session of the U.S. Senate and U.S. House of Representatives, in the Hall of the House of Representatives, 11 a.m., on Thursday, February 12, 1969, in commemoration of the one hundred and fiftieth anniversary of the birth of Abraham Lincoln.)

Life is full of surprises. I believe it was Emerson who said that life would be infinitely more somber if it were not for the fact that, on a day when we least expect anything unusual to happen, we meet some person who, by the excellence of his character, and the kindness of his attitude toward all human beings (and, indeed, toward "all God's creatures") makes notable that day which promised nothing remarkable and yet brightens all our later days.

For instance, we meet a man such as the late Carl Sandburg described Abraham Lincoln to be: "not often in the story of mankind does a man arrive on earth who is both steel and velvet, who is as hard as rock and soft as drifting fog, who holds in his heart and mind the paradox of terrible storm and peace unspeakable and perfect."

Lately I met such a person, a resident of our own beloved Houston. This was my "discovery". I met one of those "dear friends and

gentle hearts" so eulogized by Stephen Foster in that unforgettable phrase, describing those rare persons whose great endowments of heart and mind, and breadth of sympathy, compensate us for much of the disappointments in life and for many of our frustrations. I mean those strong, but unassuming, warm hearted and friendly ones who make us glad to inhabit the same world with them.

A few weeks ago I made (to repeat endlessly) a "discovery". I discovered the towering excellence of Paul Boesch.

Just a few hours before a considerate and humanitarian burglar delayed relieving me of the Porto-Color G.E. Television set by which alone I could tune in Channel 39—without any premonition of a great "happening," as some of our more scholarly brethren term it, occurring—I turned on Channel 39 (it may be that I am superstitious, but there are times when God appears to guide us to some event that He wants us to observe), just in time to hear and see the charming Marijane appear on her program "Take 30 with Marijane". But who was that with her? I know that my friend Paul Boesch will take no offense when I say that, at first, I thought I was seeing "Beauty and the Beast". Not that Paul is ugly—far from it—but any mere man automatically takes on the role of "the beast" when he appears in public with the beautiful Marijane; simply by contrast. But after she had said, "and now we want to hear from Paul Boesch" and he began to answer her questions and read his heart-gripping poems, I forgot all about the "cauliflower" ears and the barrel chest of this genius-touched man, and was lost in the transforming enchantment of his "magic"—his words and the eloquently appealing and subtly changing shades of expression on his features.

Known as "The Voice of Wrestling in Texas," and a man that we "small imitations of the real thing" truly long to be, but are not. (There must be something unfair about life, in view of this dismal fact of being!) Paul Boesch, I knew, was a fine man, for I had seen and admired him many times when he presided over the "services" at wrestling matches (and I had the vague, undefined feeling that in some way he was a sort of Brother Pastor—he is without question a religious man), and I had met him a time or two, though he probably doesn't remember meeting me, but I had never heard him recite his poems before—well, I don't know that many other had, for he has just recently published this first book of poems—but let me finally get to the main point of this "sermon": My Great Discovery. He remarked, by way of introduction, that one of his aversions was hearing a newscaster say: "There were only twenty-four American troop casualties in Viet Nam today." Then he read his own poem entitled:

ONLY ONE

Crouched in the mud as cannons roar,
Well aware it is kill or be killed,
Tending the wounds that bullets tore

The Sergeant shouts, his voice is chilled:
*Things are rough! We lost a man,
Send a replacement fast as you can.*

Far from the Warrior's Armageddon,
Their polished desks in neat array,
Spokesmen of higher echelon

Calmly issue a communique:
*Our casualties were very light,
Only one was killed last night.*

The home that lived so long on hope

Is prayerfully silent, except for tears,
Vaguely aware that they now must cope

With the emptiness of future years:
*Our casualties were light, they say,
Yet, we lost all we had this day.*

You might say, "A draft card burner must have written this poem, or some extreme pacifist, etc." You couldn't be more wrong! No matter what ideas you may have had

about poets. Paul Boesch is bound to shatter them. Unless your idea of a poet is a man's man with a pair of well caulflowered ears, a chest that measures 48 inches, 225 often bruised pounds and a background in professional wrestling that started in 1932 and is not yet ended.

Born in Brooklyn, N.Y., Paul owes his deep feelings about the sea to the boyhood years he spent at Long Beach, N.Y. as a lifeguard.

The authority in his poems about war comes from combat experience in Europe with the 8th Infantry Division in World War II. He was awarded 2 Silver Stars, 2 Bronze Stars, 2 Purple Hearts, The French Croix de Guerre—"The French Cross of War"—a Unit Citation and the Combat Infantryman's badge.

After hearing and viewing Mr. Boesch on the program. I called him and told him how much I enjoyed this poem, and the others of his poems that he read on the program, and also his remarks in general; he thanked me and sent me an autographed copy of his book of poems. (Privately, I think he did this mostly through abject fear that I might attempt, and succeed in taking a "collection" off him—which shows that even a superlatively brave man is afraid of some things!)

His book is entitled "Much of me in Each of These". Besides the stirring and tear-evoking "War" poems, the book contains hauntingly beautiful "Seascape" lyrics, besides some slyly rollocking humorous verses, one of which was written to him from home by his wife while he was in the trenches overseas. (Paul says that Mrs. Boesch was his only pin-up.) He says, "I claimed the one pin-up subject that kept sanity for me in the world that had gone mad . . . pictures of my wife. "I had dozens of them!"

Then follows a lovely tribute to his wife entitled "Pin-Ups".

Obviously, many of our soldiers preserve wholesome attitudes even during the wild and sometimes, understandably, demoralizing ferocity of senseless war!

Well, take my word for it: this is one of the greatest volumes of great poems I have ever read.

It is handsomely illustrated by the talented Houston artist Vic Green, some of whose kinfolk live in the next block to me, and whom I have known for many years as I belatedly discovered.

You can secure a paperback copy of the book for only \$1.00 plus 25c postage.

Write to The Book Box, P.O. Box 12048 Houston, Texas 77017, enclosing your check or money order for \$1.25. (There is a limited supply of copies of the book in hard cover, beautifully illustrated, full-color dust packet, the same magnificent poetry. A beautiful gift item and a treasure for your own library. Autographed. Priced at \$3.75 plus 25c postage. There are not many of these "collector's items" left!) Be sure to give your name, street address, City, State, and Zip Code Number. Mention Second Christian Church when you order.

We have had the privilege of hearing our friend and Paul Boesch's friend and fellow athlete "Big Humphrey," nee Joe Vitale; and we hope to persuade Mr. Boesch to bring us an address sometime in the near future.

We hope to get you better acquainted with this good and truly great man!

Someone has said: "We are busy trying to make money, but we neglect to acquire the greatest riches: true and worthy friends".

We have heard from Lloyd Gregory, Morris Frank and "Big Humphrey". Maybe we can hear from another great and outstanding friend, Paul Boesch, whose interest in, and concern for, less privileged boys—some of them orphans—is expressed in his work in behalf of the Variety Club's work in that area and in the word of Boys Harbor.

Somehow, I'd like to be just like Paul Boesch—cauliflower ears and all!—Bill.

HELP ISRAEL NOW

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. EILBERG. Mr. Speaker, the eyes of the world are upon the tense situation in the Middle East. All of us devoutly hope that differences can be resolved and peace maintained. The road to peace was made more difficult by the recent piracy of four airplanes in utter disregard to human rights and established principles of international law.

On September 8, the distinguished State Senator from Pennsylvania, the Honorable William J. Sesler, who is the Democratic candidate for the U.S. Senate from Pennsylvania, made a thought-provoking statement on the Middle East crisis. It merits careful reading. In his statement the Senator displays a keen insight into the many facets of the Middle East crisis. I am inserting this statement in the CONGRESSIONAL RECORD and commend it to the attention of my colleagues. It follows:

The ruthless airline hijackings during the past few days, once again illustrate the breakdown of international law and the flagrant disregard for human rights in the Middle East. At this time, one jet has been destroyed in Cairo, nearly resulting in a horrible tragedy, and some 300 innocent people are being ransomed in the Jordanian desert.

That these barbaric acts are the work of deranged criminals is obvious. It is also apparent that these crimes are abetted by the Arab governments which not only tolerate the terrorists but also grant them impunity to commit their acts. The mere thought of these violent and traumatic acts is repugnant in any civilized society. Yet the governments of Jordan, Egypt, and Lebanon (and on previous occasions, Syria and Algeria) have neither condemned nor punished the perpetrators of these heinous offenses, thereby nourishing the possibility of their repetition.

The Arab sanctioned air piracy and blackmail diplomacy are not unrelated to the frequent violations of the Middle East cease-fire by Egypt. Each is a display of conduct in direct contrast to the principles to which all civilized peoples subscribe. For both these offenses, the full weight of American public opinion and diplomacy ought to be brought to bear against the guilty Arab nations.

Yet in the case of Egypt which, on repeated occasions, has broken the cease-fire, the United States has made no diplomatic move to remedy the situation. In fact, until late last week, the legitimacy of Israel's charges—verified by the evidence of U.S. reconnaissance flights—evoked little comment from our leaders in Washington.

For a *standstill* cease-fire to serve as a basis for meaningful peace talks, each side must be secure that the other will not take advantage of the lull in fighting to increase its strength. Vastly outnumbered by the Arab armies, Israel depended upon the United States to insure that her air power would not be offset by an Egyptian missile build-up. With Egypt's violations of the cease-fire and Washington hedging, Israel is uncertain that her borders are secure.

As a result of this breach of conduct, Israel is justified in boycotting the talks at the United Nations mediated by Ambassador Jarring. Israel gave up its long-standing commitment to hold only direct negotiations

with her belligerent Arab neighbors so as not to impede any rational path toward peace. Yet it is absurd to expect Israel to honor one aspect of the peace plan—the U.N. talks—while Egypt so flagrantly abuses another provision—the escalation of arms along the Suez Canal zone.

We all know that Israel did not eagerly embrace the American peace plan. Only at the behest and guarantee of the United States would Israel cease all military activity at the canal and enter into the U.N. talks. Even at that, the initial cost was the disruption of coalition government which served Israel so well since before the six-day war. In addition Israel fully realized that there was little precedent of Egypt honoring an international commitment. And the risk of trusting Cairo was high. At stake was the crucial time necessary to advance the Russian missiles to, perhaps, launch an attack against Israel. To compound the problem, the various Arab guerilla organizations, which appear to be a government within a government, instantly attacked the notion of a cease-fire and refused to abide by one.

Yet in the face of these dangers, Israel decided to give President Nixon the opportunity to implement his peace plan. It might be said that the government in Jerusalem had no choice, since the prestige of the Nixon administration's foreign policy was at stake and Israel could not afford to embarrass her strongest ally. Nevertheless, Mrs. Meir did have the assurances of our State Department that America would somehow enforce the provisions of the agreement. With this guarantee in mind, Israel joined into the cease-fire. As of this late date the U.S. promise has gone unfulfilled. And it is a burden on the conscience of this nation that we have not lived up to our promise.

One cannot fault the Nixon administration in its endeavors to find a diplomat solution to the critical crisis in the Middle East. One can, however, find fault with the way our leaders proceeded to formulate and implement the plan. In its efforts to score a diplomatic triumph, the State Department put forth what appears to have been a hastily-conceived plan. No doubt the military escalation along the Suez Canal during the summer warranted a diplomatic breakthrough. But not an initiative so naive as to play into the hands of Egypt and Russia in their attempts to offset Israel's air superiority in the area. Looking at it from Cairo's perspective, would it be rational for Egypt to forfeit the strategic value of their new SAM-3s, as well as to incur the potent hostility of the guerrilla groups, in order to oblige the United States in its peace-seeking efforts?

The embarrassed posture of the State Department and the conspicuous silence at the White House indicates that the Nixon administration had no effective means of guaranteeing the cease-fire terms while Israel refrained from military activities in the standstill zone. After a week of burying its head in the sand, our government has not even lodged a protest against Egypt, let alone demand that she roll back her newly-imposed missiles. The responsibility to guarantee the cease-fire devolved upon the United States. It is now apparent that the Nixon administration was not prepared to undertake that responsibility.

At this time it appears that no one is willing or able to salvage the plan. Cairo has displayed little intention of removing the 16 batteries of missiles in question; in fact, there is no assurance, short of Nasser's hollow promises, that the violations will not continue. Israel is unwilling to negotiate until something is done about the missiles or a more effective U.S. guarantee is given. Moscow has capitalized upon the opportunity to improve its own position in the Middle East and seems satisfied with the turn of

events. And the United States is impotent or seems unwilling to enforce the conditions of the plan it promulgated.

If the United States is still serious about producing a viable cease-fire, Washington might consider the threat of economic sanctions on trade with the Arab lands. Among other things, this could entail suspension of our "oil diplomacy," traditionally pursued by some of our State Department officials. Preventing airlines from flying to and from the Arab nations may also prove effective in forcing these countries to stop condoning the air pirates and international terror.

All of this is designed to persuade the Arab nations, as well as their Russian allies, to stop their headlong drive to arm themselves in a manner which threatens Israel's security, the balance of power, and the chance for peace in the Middle East. Unfortunately, much of the damage has already been done. Israel's most potent line of defense—its air force—has been seriously weakened since August 16th, when Egypt began to advance her missiles. In order to alleviate the burden upon Israel, the United States ought to begin to honor her commitment by supplying Israel with the Phantom jets and other weaponry that was promised more than two years ago. This should be done openly, so as to make our commitment to Israel's survival plain and unmistakable. The United States should not have to make excuses for supporting our only democratic ally in the Middle East.

Finally, while displaying to the Soviet Union our determination that she cannot impose her will on the Israelis, we must also extend a hand of friendship and cooperation to Moscow. This means preparing to work with the Russians in every possible way to bring about meaningful peace negotiations between Israel and the Arab nations.

LABOR-MANAGEMENT DISPUTES

HON. RICHARD D. McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. McCARTHY. Mr. Speaker, in recent days two labor-management disputes have had a severe effect on the economy of the Buffalo area.

The wildcat strikes against the Nation's railroads indicate clearly that severe problems exist in the rail industry. The collapse of the Penn Central obviously threatens the welfare of thousands of railroad workers. At the same time illegal walkouts have hit the small businessman especially hard at a time when the economy is weak and unemployment is 6.1 percent.

I hope, therefore, that the differences can be quickly resolved.

The United Automobile Workers strike has resulted in over 10,000 workers leaving their jobs in Buffalo. The \$45 per week which these workers will receive in union funds is a far cry from the \$196 average weekly pay they receive while on the assembly line. This amount will not cover expenses which must be met to maintain the health and welfare of these men and their families. Food costs continue to rise, and medical expenses can hit unexpectedly.

Until this dispute is settled the difference in income and expenses can be met

if banks and business show a willingness to extend credit to these men so that their families can be fed and properly sheltered.

When fully employed the 10,000 workers at the local Chevrolet plants, the Harrison Radiator Corp., and other auto parts manufacturers contribute more than their share to the prosperity of the community.

Now that their pocketbooks are pinched, every effort must be made by all community leaders to assure these men, their wives and children, a decent standard of living until the strike is resolved.

TO IMPROVE CIVIL DISTURBANCE CONTROL PROCEDURES OF STATE NATIONAL GUARD UNITS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. MIKVA. Mr. Speaker, increasingly in recent years we have seen Governors and other State officials forced to rely on units of their State National Guards in order to deal with riots and civil disturbance situations. In 1965 through 1967, these situations arose primarily in an urban context. In the last few years State Guard units have been used increasingly in campus unrest situations.

Most State Guard units performed their civil disturbance duties with restraint and a minimum of force. A few apparently overreacted to minor provocations and engaged in the kind of violence which occurred at Kent State University and which is now the subject of a grand jury investigation in Ohio. But whatever may be said of the performance of individual State National Guard units in individual instances, in general it is safe to say that the Guard's performance did not measure up to that of Regular Army units. Observers of Regular Army units which participated in civil disturbance control operations—including the Kerner Commission—were almost unanimous in their praise for the high level of discipline and restraint demonstrated by Regular Army units.

What is surprising and distressing about this stark disparity between the performance of State Guard units and Regular Army units is that it seems totally at odds with Congress intent in establishing and supporting State Guard organizations. In all the discussion which has occurred about the role and performance of State Guard units in civil disturbance control, a crucial fact seems to have escaped public notice: Congress intended when it established the National Guard that its discipline should conform to that of the Regular Army.

Section 501 of title 32, United States Code, sets forth unequivocally the relationship which Congress intended should exist between the National Guard units and Regular units of the Army and Air Force. That section states in relevant part:

The discipline, including training, of the Army National Guard shall conform to that of the Army. The discipline, including training, of the Air National Guard shall conform to that of the Air Force.

Moreover, Congress did not rely merely on the statement of its policy to insure that the discipline of National Guard units did, in fact, conform to that of Regular Army and Air Force units. In section 108 of title 32, Congress provided that:

If, within a time to be fixed by the President, a State does not comply with or enforce a requirement of, or regulation prescribed under, this title its National Guard is barred, wholly or partly as the President may prescribe, from receiving money or any other aid, benefit, or privilege authorized by law.

With Congress having set out both its policy and the sanctions which are to be applied for failure of State National Guards to comply, we may well question why the Department of the Army has not by this time taken decisive steps to enforce among State National Guard units that same high level of discipline which Regular Army units have shown in civil disturbance situations.

The answer—based on extended correspondence I have had with the Department of the Army—seems to be that the Army is interpreting its authority over the procedures of State National Guards far too narrowly. It maintains that its powers extend only to standardizing the training of National Guard units, rather than to enforcing a uniform level of "discipline, including training," to use the precise words of the statute.

In the course of my correspondence with the Department of the Army, I have tried to point out that both the statute itself and its legislative history make clear Congress' intent that the Department was to enforce a uniform level of discipline as the condition of Federal assistance to State Guard units. Such a requirement is, of course, a logical one if the Guard is to fulfill its primary service to the National Government: a trained and permanently ready reserve force to supplement the forces of our military services. How, one wonders, could this reserve role be properly carried out if the Department of the Army has no control—except for training—over the discipline and performance of State National Guard units?

Moreover, other sections of title 32 make clear that Congress fully intended to regulate the procedures of State Guard units—even when not in Federal service. Thus, court-martial procedures for the Guard "when not in Federal service" are specified in Federal law.

What is especially ironic about the Department's position in this matter is that originally it was the State Guards themselves who most vigorously fought for uniform national standards and discipline. Professional Guard officers—aware of the debilitating effects of local political infighting and pennypinching State legislatures—fought for the enactment of a National Guard statute which would guarantee full Federal support. And this is exactly what Congress passed, a statute which provides ample authority for

the Department of the Army to regulate and control the operating procedures of the State National Guard units, even when they are not in Federal service.

Unfortunately, because of the refusal of present officials of the Department of the Army to exercise their authority over State National Guards, additional legislation appears called for to clarify Congress' previous intent in 32 United States Code 501. For this reason, I am today introducing a bill which will make crystal clear Congress' intent and expectation that the Department of the Army enforce among State National Guards the same high level of discipline in civil disturbance control situations that has been evident on the part of Regular Army units. The bill will also require that the Secretaries of the Army and Air Force report annually to Congress on the compliance of State National Guards with the uniform standards established by the Department. This report will include a recommendation from each Secretary on the continued eligibility of the State Guard units concerned for Federal benefits under section 108 of title 32.

Mr. Speaker, I wish to emphasize that in introducing this bill I am not implying criticism of all State National Guard organizations or of all members of any National Guard unit. The purpose of this bill is simply to make indisputably clear what I believe has been Congress's intent from the beginning—that there exist among State National Guards a uniformity of discipline and procedure.

In these days when State National Guard units are being called upon more and more often to control civil disturbances, I believe we owe it to these men to give to them the same high quality of instruction and leadership which are provided to members of the regular Army in similar situations. I believe that investigation will show that if there was any failure on the part of National Guardsmen in recent years, it was a failure of training and leadership, not a failure of courage or intelligence. We owe it to our National Guardsmen—our sons and brothers—to require of them the same high standards of performance and conduct that we require of regular Army units. Only in this way can these National Guard units fulfill the original purposes for which they were created.

In order to provide necessary background on this subject, I am including at the conclusion of my remarks a record of my correspondence with the Department of the Army on the subject I have discussed above. I should note at this point that this correspondence has been made available to the President's Commission on Campus Unrest for whatever value it may have in determining the responsibility of the Department of the Army for National Guard performance and in making recommendations to the President. Finally, I include a copy of the bill which I am introducing today to clarify the problems discussed here and hopefully to remedy a situation which has already gone far too long without sufficient attention from the Congress.

The documents referred to follow:

JUNE 9, 1970.

HON. STANLEY R. RESOR,
Department of the Army,
Washington, D.C.

DEAR MR. SECRETARY: I have been interested to read, in light of the recent events at Kent State University, Kent, Ohio, that Department of the Army Field Manual FM 19-15, March 25, 1968, clearly specifies the force options open to a commander when troops are used to control civil disturbances. I have two questions about the provisions of paragraph 7-4.b.(1) through (6) of FM 19-15.

First, it appears to me that there is an inconsistency between the general statement that "the measures described in (1) through (6) below may be applied in any order as deemed appropriate by the responsible commander, in consideration of the situation as it exists," and the injunction in subparagraph (6) (full firepower) that "this extreme measure would be used as a last resort only after all other measures have failed or obviously would be impractical, and the consequences of failure to completely subdue the riot would be imminent overthrow of the government, continued mass casualties, or similar grievous conditions" (emphasis added). Either the commander has discretion to use the six force options "in any order as deemed appropriate . . . in consideration of the situation as it exists," or he must try all other options first, using full firepower only as a last resort and when the failure to use it would produce the dire consequences described. I would be grateful for a clarification of the precise meaning of paragraph 7-4.b.(1) through (6).

Second, it is my understanding based on conversations between my staff and officers of the Civil Disturbance Planning and Operations Directorate that FM 19-15 is not considered "directive in nature," and thus is not binding on commanders in civil disturbance situations. My staff was also informed, however, by Lt. Col. Donald L. McMillin of the Directorate, that force options identical to those in paragraph 7-4 of FM 19-15 are contained in both the Department of the Army Civil Disturbance Plan, which is classified, and in Letters of Instructions issued to commanders in civil disturbance situations. My understanding is, further, that in such form, the force options and the conditions on their employment would be considered "directive in nature" and binding on the commanders concerned.

I would appreciate clarification of the precise standards which the Department of the Army applies as part of the discipline of active Army units assigned to civil disturbance duty. I realize that it is never possible in advance to make judgments which only the field commander can make, but I wonder what procedures are prescribed by those Army regulations and directives which guide a commander's decision-making in the field. Specifically, I would like to know whether commanders of units assigned to civil disturbance duty are directed to use full firepower "as a last resort only after all other measures have failed or obviously would be impractical, and the consequences of failure to completely subdue the riot would be imminent overthrow of the government, continued mass casualties, or similar grievous conditions."

Finally, I would be interested in your opinion of whether State National Guard organizations which operate under the stated policy of using weapons loaded with live ammunition in the initial stages of civil disturbance control are conforming their discipline to that of the Army, as required by 32 U.S.C. 501. If such a policy by State National Guard organizations does not conform to Army standards, I would be interested to know what steps have been taken to warn the commanders of such Guard organizations

that they are in danger of losing federal support for their organizations under the provisions of 32 U.S.C. 108.

Thank you for your assistance on this matter. I would hope to have a response to my questions as quickly as possible, since legislation is now pending which could be affected by this information.

Sincerely,

ABNER J. MIKVA.

DEPARTMENT OF THE ARMY,
Washington, D.C., July 1, 1970.

HON. ABNER J. MIKVA,
House of Representatives,
Washington, D.C.

DEAR MR. MIKVA: Secretary Resor has asked that I reply to your letter concerning force options used by the Army and the National Guard during civil disturbances.

Army Field Manual 19-15, Civil Disturbances and Disasters, establishes Army policy concerning the control of civil disturbances. It is not directive in nature, but rather reflects the considered judgment of the policy makers as to the wisest ways to use the measures available to a military commander when he is directed to restore order. In its role as definer of the Army's policies in this area, the field manual serves as the textbook for the training given both to the active Army and the National Guard concerning control of civil disturbances. According to present practice, the orders given to a Federal Task Force Commander assigned a civil disturbance mission include reference to the application of force provisions of the field manual. The commander is thus directed to use the force options as described therein.

Subparagraph 7-4. h of the field manual addresses what we call measures of force, which are different from the force options for arming troops outlined in subparagraph 7-4. b. It is not planned to repeat the guidance in subparagraph 7-4. h in the task force commander's orders. The commander will be instructed, however, to use the minimum force necessary to accomplish his mission, and will be told to follow the guidance contained in subparagraphs 7-4. c and 7-4. d of the field manual concerning use of non-deadly and deadly force, which will be repeated in his orders. This guidance is more restrictive than the description of measures of force in subparagraph 7-4. h, and is considered adequate to prevent improper use of firearms.

I see no contradiction within the terms of paragraph 7-4 of the field manual. The guidelines relevant to your question are (1) use only the minimum force necessary; (2) apply the designated force measures in any order deemed appropriate; and (3) use full firepower only as a last resort when all other measures have failed or are obviously impractical, and failure to restore order will result in the most dire consequences. These guidelines actually complement one another. Keeping in mind the fact that Federal forces are legally permitted to be employed to assist State and local authorities only when the resources of the latter have proved inadequate to control a disturbance, it may be plain to the Federal Task Force Commander when he arrives on the scene that the situation has deteriorated to such degree that only the most extreme measures will suffice to restore order. In such a situation, it would be self-defeating to require the Federal commander to go through each of the force options in turn with his own forces; in order to preserve his effectiveness, it is mandatory that he be given discretion to do what is required to restore the peace, reliance being placed upon his training and sound judgment to make the right decision.

A stated policy of loading weapons with live ammunition upon initial commitment of troops in civil disturbance operations, regardless of the circumstances or the situation

faced by the military forces, is inconsistent with Army doctrine. The instructions given a Federal Task Force Commander, however, would permit him the discretion to order his troops to load their weapons even in the initial stages of a civil disturbance operation if in his judgment—exercised within the framework of his orders and the guidance in the field manual—such action appeared necessary under the circumstances. Given the minimum force concept and the variety of force options available, such a situation should occur very infrequently.

The requirement of 32 USC 501 that the discipline of the Army National Guard conform to that of the Army implements a portion of Article I, Section 8, of the Constitution, which is as follows:

"The Congress shall have the Power . . . To provide for organizing, arming, and disciplining, the Militia, and for governing such Parts of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress. . . ."

The Constitutional Convention debated this wording on the 23d of August, 1787. A study of the discussions which took place at that time compels the conclusion that the word, discipline, was used in the sense of the first meaning, now considered obsolete, assigned in *Webster's Third New International Dictionary*—that most closely connected with the word's Latin source, the noun, *disciplina*, conveying the idea of teaching, instruction, or tutoring. A concise summary of the Convention's debates on this subject may be found in *The Making of the Constitution* by Charles Warren, beginning at page 517.

Pursuant to this Constitutional Provision, Congress has exercised its authority to require that the substance and manner of presentation given to the National Guard conform to that of the active Army. Accordingly, Army Subject Schedule 19-6, Control of Civil Disturbances, dated 5 August 1969, establishes a single civil disturbance control training program for use by both the active forces and the National Guard.

The framers of the Constitution were careful, however, to grant to Congress only the authority to govern " . . . such Part of them [the militia] as may be employed in the Service of the United States . . ." The Tenth Amendment makes it plain that the authority to control the actions of the militia when not in Federal service is reserved to the States.

Congress specifically considered this point during the debates connected with enactment of the National Defense Act of 1916 (PL 64-85, 39 Stat 166), which established the National Guard as the organized militia. The *Congressional Record* for the first session, 64th Congress, indicates that there was considerable sentiment for attempting to limit the uses to which a State might put the Guard, particularly strike duty. Nevertheless, section 61 of the new law contained language providing that nothing in the Act was to be construed as limiting the authority of a State to "use" its National Guard within its borders in time of peace. This provision is now codified in Section 109(b) of Title 32. Because the authority of a State to use its Guard could be significantly circumscribed if the active Army prescribed its detailed operational procedures, it must be assumed that Congress did not intend Section 501 to delegate any such power. When the Guard is in State service, furthermore, the governor is its commander in chief, and this status necessarily implies considerable discretion as to manner of employment.

Regardless of the Army's responsibility for prescribing the training which the Guard receives, therefore, we lack the authority to require that the operations of the National Guard in State status conform to the guidance contained in Field Manual 19-15. Our

influence in this area must be exercised through the training given the Guard, and through persuasion. The National Guard Bureau has strongly urged each of the States to adopt *in toto* the guidance concerning force measures in Field Manual 19-15, and most have done so.

I trust this information will be helpful to you. Thank you for letting us have your views, and for your interest in the military services.

Sincerely,

CHARLES M. GETTYS,
Major General, GS, Acting Director for
Civil Disturbance Planning and Operations.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 29, 1970.

HON. STANLEY R. RESOR,
Washington, D.C.

DEAR MR. SECRETARY: I was pleased to receive the Army's extended reply to my letter of June 9, signed by Major General Gettys.

Most significantly, the reply confirmed my central thesis that, as the General wrote, "A stated policy of loading weapons with live ammunition upon initial commitment of troops in civil disturbance operations, regardless of the circumstances or the situation faced by the military forces, is inconsistent with Army doctrine." I consider this an important and constructive acknowledgment by the Department of the Army.

With regard to several other matters, however, it appears the Department has misinterpreted existing law.

The Department is correct that the requirement of 32 U.S.C. 501 that the discipline of the Army National Guard conform to that of the Army implements Congress' constitutional power to discipline the militia under Article I. Reading the definition of "discipline, however, to mean only the eighteenth century notion of instruction, or training, is highly inaccurate. The Department itself admits such a definition is now considered obsolete;" and it was probably obsolete in 1916 when Congress implemented the constitutional provision by statute.

Moreover, that the Constitution says the States shall train the militia "according to the discipline proscribed by Congress" does not mean that the Congress' power to discipline extends only to training. The very statute at issue, 32 U.S.C. 501, renders this notion untenable. The statute reads in relevant part:

The discipline, including training, of the Army National Guard shall conform to that of the Army."

Clearly, by the words "including training" Congress indicated that "discipline" is a concept broader than training or instruction alone. If anything, Congress went out of its way to make clear that "training" is only one aspect of "discipline."

Further, it is not the case that by limiting the Congress' power to govern "such Part of [the Guard] as may be employed in the service of the United States," the Constitution prohibits all Federal control of the Guard when not in Federal service. This is true notwithstanding that section 61 of the National Defense Act of 1916 prohibits limiting a State's authority to "use" its Guard within its borders in times of peace. Surely the Department would not maintain that a State could legally use its Guard to enforce school segregation, deny women the right to vote, or maintain a Governor in power after he has been defeated in an election.

More crucially, other provisions of the 1916 Act itself make clear that the limitation contained in section 61 does not preclude Federal control of the Guard when not in Federal service. Sections 103 and 106 find Congress prescribing definite rules for court-martial of the National Guard "not in the

service of the United States," and section 61 prescribes rules by which the states shall conduct training of their Guard.

Moreover, House Report 297 of the 64th Congress, the conference report, and the Senate debates make even clearer Congress' intention in its exercise of the Article I power. For example, on April 15, 1916, Senator Brady inserted into the Congressional Record, on page 6209, a statement included with favorable comment in the report of the House Committee on Military Affairs. That statement reads, in part:

"If any doubt could be entertained as to the sweeping powers of Congress under the Constitution to organize and discipline the militia, this decision [*Houston v. Moore*, 5 Wheat 1] forever sets such doubts at rest . . . Congress has power to prescribe the system of disciplining the militia. The discipline can by law be made the same as that of the Regular Army, and the States must train the guard in accordance with this system of discipline. A careful reading of this clause of the Constitution [Article I, section 8] and of the construction placed upon it by the Supreme Court in the case of *Houston v. Moore* (5 Wheat 1) makes it clear that Congress has unquestioned power to organize the militia according to any system it desires and to discipline it according to any system of discipline it sees proper. And while to the States is left the selection of officers, this does not, of course, affect the control of Congress over the militia, even in time of peace, nor does it impair its efficiency: certainly not when such officers can be required to meet the standard of efficiency required by the Federal authorities. Senators and Representatives in Congress are lawmakers for a national body, and yet their fidelity and efficiency for the national good can hardly be questioned because they are selected by the states.

"Save and except the appointment of officers reserved to the States, but one power remains in the States, and that is to train the militia according to the discipline prescribed by Congress. . . . There [is] no question, therefore, of the right of Congress to provide for the organization and discipline of the National Guard . . . organized in exact conformity to that of the Regular Establishment."

Finally, then, as I read 32 U.S.C. 108, coupled with the Department's acknowledgement that a policy of loaded weapons in the initial stages of civil disorder is inconsistent with Army doctrine those State National Guards employing such a policy are in danger of losing federal support. I would expect the Army to pursue this matter, and carry out Congress' clear intent as expressed in section 108 of Title 32 U.S.C. I would appreciate your informing me of what action the Department takes in this connection.

To make explicit the above reading of existing law, I have drafted legislation to eliminate any possible confusion. A copy of that proposed legislation is enclosed for your perusal and any comments you feel appropriate. Also, in the interests of expediting appropriate actions by the executive branch, I have referred the complete record of our correspondence to the House Committee on Armed Services and to the Presidential Commission on Campus Unrest.

Thank you again for your cooperation and your candor.

Sincerely,

ABNER J. MIKVA.

DEPARTMENT OF THE ARMY,
Washington, D.C., August 11, 1970.

HON. ABNER J. MIKVA,
House of Representatives,
Washington, D.C.

DEAR MR. MIKVA: Secretary Resor has asked me to respond to your most recent letter concerning the civil disturbance control procedures of the National Guard.

We have read your exposition of the law with considerable interest. We remain convinced, however, that the interpretation set forth in General Getty's July 1, 1970 letter is correct, and that there is no legal basis for requiring adherence to Army civil disturbance control procedures by Guard units serving under state control. The Department of Justice has informed me, furthermore, that it is in complete accord with us in this regard.

In the event that Congress enacts new legislation in this area, we shall of course re-evaluate our position in light of that legislation.

Sincerely,

ROBERT E. JORDAN III,
General Counsel.

JULY 30, 1970.

HON. WILLIAM W. SCRANTON,
President's Commission on Campus Unrest,
Washington, D.C.

DEAR GOVERNOR SCRANTON: A vital area of concern to the Commission's deliberation is the activity of the Army National Guard in controlling disturbances on college campuses generally, and at Kent State University particularly. What has apparently eluded public and official notice to date are the facts that where a State Guard unit operates under a policy of loaded weapons, it does so in violation of existing federal laws and that the President is under existing law directed to set a cut off date for federal benefits in such cases. Therefore, I urge the Commission to recommend to the President that he exercise his authority—under existing federal law—to bar those State Guard units in violation of law from receiving money or any other aid, benefit, or privilege authorized by law—unless and until they agree to comply with federal policies.

As the Commission has been made aware during the course of public hearings, Army Field Manual 19-15 establishes Army training policy concerning the control of civil disturbances. Paragraph 7-4 of that Manual clearly specifies the very limited and safeguarded force options open to a commander when troops are used to control civil disorder. The provisions there enumerated are virtually identical to those contained in both the Department of the Army Civil Disturbance Plan, which is classified, and in Letters of Instruction issued to commanders in disturbance situations.

In the course of protracted correspondence with the Department of the Army [a copy of which is included], Secretary Rezor confirmed my belief that, in the Department's own words:

"A stated policy of loading weapons with live ammunition upon initial commitment of troops in civil disturbance operations, regardless of the circumstances or the situation faced by the military forces, is inconsistent with Army discipline."

The important point I wish to bring most urgently to the Commission's attention is that by violating Army discipline, a State National Guard unit violates a federal statute, specifically 32 U.S.C. 501. That statute provides in relevant part:

"The discipline, including training, of the Army National Guard shall conform to that of the Army."

Section 108 of the same title, title 32 provides:

"If, within a time to be fixed by the President, a State does not comply with or enforce a requirement of, or regulation prescribed under, this title its National Guard is barred wholly or partly as the President may prescribe, from receiving money or any other aid, benefit, or privilege authorized."

Again, I hope this Commission will urge the President to implement this sanction. Implementation of these statutory provisions to control State Guard units when not in federal service admittedly raises what at

first glance may appear to be a difficult legal question. However, careful reading of the Constitution and the legislative history of title 32 make clear the Congressional authority and intent to control the State Guard units, even when not in federal service. These issues are fully explored in the correspondence attached to this letter.

Finally, my suggestion to the Commission that it urge the President to exercise his statutory authority is consistent with the President's desire in establishing the Commission that it help discover that practical steps can be taken by all levels of government—including law enforcement agencies—to alleviate the dangers involved in this situation."

Specifically, I would urge the Commission to recommend to the President that he use the statutory provisions discussed here as the basis for an immediate and unequivocal policy statement that federal assistance to State Guard units will be terminated when ever they are improperly used in civil disturbance situations. Announced "loaded-weapons" policies, such as that by the Governor of the State of Georgia described in the enclosed *New York Times* article, can only exacerbate already dangerous situations. If such provocative announcements were followed immediately by a Presidential assurance that the overriding federal policy would be vigorously enforced, it would do much to calm potentially violent confrontations on campuses and elsewhere.

I appreciate the opportunity to submit these materials for the Commission's consideration and, hopefully, inclusion in the record of your proceedings. Thank you.

Sincerely,

ABNER J. MIKVA.

THE PRIVILEGE OF LIVING IN AMERICA

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. ROUSSELOT. Mr. Speaker, it is, indeed, nice to have a commentary from a young person who believes in this country, states that certain portions of "the establishment" have accomplished meritorious things, and looks positively to the future.

As are all Americans, we are working toward perfecting the system that we have, in a spirit of practical optimism and determination. We must all participate in the dialog to constantly improve the system, but do it in such a way that we are not shouting down those who may disagree.

I heartily commend to my colleagues' attention one example of a constructive, useful and, in my opinion, entirely typical account of the attitude of the overwhelming majority of America's fine young people.

Mr. Bill Saracino is California chairman of the Young Americans for Freedom and comments on the philosophical question "Who I Am—And Why?" in a guest commentary aired September 10, 1970, on Los Angeles, Calif., radio station KHJ, AM and FM. The commentary goes as follows:

WHO I AM—AND WHY?

I'm a young American and I'm proud of that. I'm a college student and I'm also proud of that. I'm proud and grateful for

both of these things. I'm proud of being a college student because of my education. I'm going to be able to make this world a better place to live in. I'm grateful to my parents for putting me through college and to the country we live in for making it possible for them to put me through college. I'm proud of being an American because that means I'm a citizen of the greatest provider of human progress in the history of mankind. I'm also a human being, and sometimes, I'm not so proud of that. We haven't perfected our race yet, so there are still fellow humans who make you ashamed. There are still humans who insist on enslaving other humans, to advance the glories of political ideologies. I'm proud my country fights that and defends the right of all men to determine their own destiny. In this life there can be no greater calling than the service of your fellow man. I'm proud my country stands for that and is willing to sacrifice to insure that. I'm a young American who daily thanks God for the privilege of living in America and for the knowledge that, because of that privilege, I will have the opportunity to be happy for the rest of my life.

MR. ROCKEFELLER ANSWERS "NO" TO THE PUBLIC'S DEMAND FOR LOWER INTEREST RATES

HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. PATMAN. Mr. Speaker, Tuesday, David Rockefeller, chairman of the board of the Chase Manhattan National Bank, used a three-page letter to say "no" to my request for action to lower interest rates. As part of the bank's continuing propaganda campaign, the Chase Manhattan Bank purchased a full-page advertisement in the *New York Times* this morning and reprinted Mr. Rockefeller's answer as an open letter to WRIGHT PATMAN.

I had written Mr. Rockefeller because in recent months he has posed as spokesman for the big money center banks. His reply is highly disappointing and it illustrates what is wrong with the banking industry today.

It is regrettable that Mr. Rockefeller, and his colleagues among the Wall Street institutions, are unwilling to give the American public the real facts about interest rates and monetary conditions. The American public is not fooled. The banking industry would be much better served if its leaders would be frank and open about their desires for higher profits.

Mr. Rockefeller's three-page letter is a shameful charade of tired excuses for failing to lower interest rates.

Mr. Rockefeller seems to have difficulty making up his mind about which reason is paramount in his bank's refusal to lower interest rates. In fact, his letter appears to have been put together by a committee with each member contributing his own special excuse for failing to act.

First, Mr. Rockefeller informs me that high-interest rates are the result of "the law of supply and demand" and that interest rates are set the same as other prices "in a free market economy." Of

course, Mr. Rockefeller is in a position to know that banks are not the corner grocery store and that the money supply and interest rates are set by largely arbitrary decisions and are not dependent on free market forces.

However, in case Mr. Rockefeller has forgotten his economics, I refer him to Allan Sproul, the former president of the New York Federal Reserve Bank, who stated:

We haven't had a free market in money and credit at least since the Federal Reserve was established.

Two paragraphs later, Mr. Rockefeller abandons his "law of supply and demand" and moves on to claim that high-interest rates were the result of bank competition. This is a most startling contention and it is unfortunate that Mr. Rockefeller does not explain why the prime rate is an identical 8 percent among all of the big banks—his so-called competitors.

After his dissertations on the "law of supply and demand" and competition, Mr. Rockefeller moves quickly to assure me that banks are opposed to high-interest rates. All of this brings to mind the Galbraith theory about banks and high-interest rates:

If anybody else is lobbying for a higher price, we take for granted that they want more dough. But if a banker is lobbying for higher interest rates, this is pure unadulterated righteousness. Everybody else says they want more money, but let David Rockefeller speak for higher interest rates, and boy, that's statesmanship—JOHN KENNETH GALBRAITH.

Mr. Galbraith's words are borne out by the events of 1969—the period of rapid interest rate increases—when the banks recorded profit increases averaging 21 percent. Some banks had profit increases of more than 60 percent as a result of high interest rates.

Mr. Rockefeller briefly toys with the contention that the banks are paying high prices for money and the reader is obviously expected to accept this as a rationale for high interest rates. Mr. Rockefeller conveniently omits the fact that about one-half of the deposits are in the form of checking accounts—demand deposits—on which the banks pay not 1 cent of interest. This is interest-free money.

The high-priced money—such as Eurodollars—makes up a small percentage of the banking industry's funds. In fact, the big banks have been dropping out of the Eurodollar market rapidly and these high-priced dollars are of less and less importance to the money center banks. Mr. Rockefeller knows full well that conditions existing in the banking industry will allow a substantial reduction in the prime rate.

Mr. Rockefeller and the Chase Manhattan National Bank have issued a number of public statements and now they have printed a full-page ad to air their claims, but the newspapers, who must accept these claims along with the other news media, have no real opportunity to know the true facts about Chase Manhattan or any of the other large banks.

It is unfortunate that Chase Manhattan does not reveal the facts about its

operations. For example, Mr. Rockefeller mentions that he has turned away many customers in recent months, and it would be valuable to know who these customers are and why they were denied bank loans. It would be equally valuable to know the identity of the customers who did receive the good will and the good money of Chase Manhattan and why they were selected over the customers who were denied loans. It would be interesting and valuable to know how much Chase Manhattan has invested in the depressed housing market, in small business, and other areas that have suffered greatly from high interest rates and tight money. It would be valuable to know how much Chase Manhattan has invested in the sectors of the economy which have increased inflationary pressures.

Of course, we do not have the answers to these questions; we only have the public relations outpourings of David Rockefeller.

CHANGE—RADICAL STYLE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. BRAY. Mr. Speaker, the following editorial from the September 15, 1970, Indianapolis Star puts the hideous pattern of change sought by youthful radicals into its proper perspective:

CHANGE

Radicals who have been blowing up buildings, computers and people during the last year are fond, at times, of accompanying their bombings with notes that explain their purpose is to bring change.

They have brought change, all right. They have changed living people into dead people and buildings into rubble, wives into widows and children into orphans.

They have changed easy-going Americans who believe in "live and let live" and other sane and durable principles into people filled with anger and sometimes hatred.

One of these is Mrs. Carol Fassnacht McCoy of Bartlesville, Okla., whose brother, Robert E. Fassnacht, a 38-year-old, Hoosier-born research physicist, was killed late in August in a bombing at the University of Wisconsin at Madison, leaving a widow and three young children.

His sister's letter to a Madison newspaper, expressing her feelings toward the bombers with bitter eloquence said:

"Who the hell do you think you are to take the law and the lives of others into your own hands? If you don't like the U.W. or the administration, get out. No one is forcing you to stay. Leave it to others who want the benefit of a good university without having to study under the fear of being blown to bits while engaging in peaceful pursuits.

"Do you think that your insufficient apology in Kaleidoscope (an 'underground' publication) will make Bob's widow feel any better? How do you think his son, Chris will feel about the apology a few years from now?"

"How about those darling children who are without a father and the wife who is without a husband? If you think your little statement takes the guilt away, forget it.

"I hope you are found and due process of law gives you what I think you deserve. I feel nothing but hate for you, for you have taken

something from me which was among the most precious things in my life. You pigs! You have murdered my brother!"

How many more arrogant radicals, impervious to reason and common decency, and intent on playing God, will scatter death and ruin on America with bombs before the change they have engendered turns into a human tidal wave that will sweep them to oblivion?

THOUGHTS ON THE MEANING OF CITIZENSHIP

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1970

Mr. MESKILL. Mr. Speaker, perhaps the most important rhetoric in American political language can be found in the opening words of the Constitution: "We the People of the United States." The preamble confers no power upon any agency of government but rather identified the ultimate source of power with "the people."

Today being Citizenship Day, a day set aside by the Congress in 1952 to commemorate the signing of the Constitution in 1787 and to honor U.S. citizenship, it is fitting that we urge the interest and full participation of all citizens in the affairs of government.

Special emphasis should be directed to those citizens who have reached the voting age this year and those who have been naturalized during the year. For they are now a vital part of "the people," the responsible citizenry who constitute the cornerstone of this Nation's well-being.

It is imperative for the continuance of our free society that our citizens recognize that to enjoy the rights and privileges of a democracy they must also meet the responsibilities inherent to such a society.

To insure that our Nation will continue to be "the land of the free" and the "land of opportunity" we must educate all our citizens in the role they must play in protecting our self-government and our great charter of human rights.

It is "the American way" to insist that every individual possesses basic rights and liberties simply because he is a human being entitled to respect from his fellows. These rights are inalienable; they may not be abridged at any level of government. They are deliberately placed beyond the reach of even the popular majority. This doctrine of limited government—the idea that government may not deny the inalienable rights of the people—is fundamental in the American approach to civil liberties.

Today, perhaps more than ever before, there is need for all citizens to claim their rights and exercise their responsibilities in full and free discussion of public issues. Public policy in a democracy must be developed in the public forum. No policy is fixed or permanent because politics—the attempt to influence policy—never ends. The conflicting needs and views that various groups try to express in policy are constantly changing.

It is the right of every citizen to make his own opinion heard, and it is his obligation to hear the opinions of others, even those—especially those—who dissent from his own.

It was the faith of our Founding Fathers that consensus was most effectively achieved through free and full discussion. This is democracy. But today our society is experiencing threats to the exercise of its freedoms.

To begin with, the political community of today—so complicated in structure, so technical and extensive in function, so impersonal in operation—has tended to belittle the role of the individual citizen.

Then, too, in a complex society the citizenry tends to become parochial as they can best understand that which is occurring close at hand. Fear of the unknown can lead to the stifling of minority opinion under the guise of loyalty. He who deviates from popular opinion is suspect.

Moreover, today our society is witnessing the expression of minority opinion through violent tactics. Such tactics can only lead to counter reactions, conflict, and repression.

The day is to be deplored when national uniformity pervades the land. But at the same time we must guard against the new breed of revolutionaries who are intent on striking terror into American society.

The rights and liberties of the citizens are determined by the society in which he lives and which he helps to shape. An apathetic citizenry undermines the democratic processes and may mean the demise of representative government. Prejudice, intolerance, and disregard for the civil liberties of others can just as easily destroy a free society. Just as "undisciplined radicalism" endangers our democratic system.

Active and responsible citizenship is the bulwark of a free and healthy society. Democracy is successful only when its citizens practice their rights and obligations and defend the principles embodied in the Constitution. As has been stated many times before, citizenship and the Constitution are inseparable, both are the "people."

On this day, during this week and every week, we must reaffirm our allegiances to the principles embodied in the Constitution and in the concept of citizenship. We must strive to rededicate our nation to liberty and justice, to make ours a nation in which citizens may develop to the fullest their individual capabilities and where each man is respected.

CITIZENSHIP DAY—SEPTEMBER 17

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. DADDARIO. Mr. Speaker, in 1952, President Truman designated September 17 as "Citizenship Day." In 1970, more than ever before, good citizenship, in the true sense of the word, is vitally

important to the continued effectiveness of our governmental system. At a time when the very foundations of our society and our form of government are being called into question and challenged to respond to the unique problems of this new decade, citizenship calls for far more than periodic voting, casual patriotism, and a complacent acceptance of the status quo.

It has been said that every generation of free people is called upon to defend that freedom. In the decade of the seventies, we will face that responsibility with an unprecedented urgency. The good citizen will not be distinguished by his indiscriminate rejection of all that is new and innovative, nor by his reckless dedication to change for its own sake. Rather, a thoughtful and progressive approach toward the resolution of our difficulties and the buttressing of our strengths must serve as the keystone of good citizenship in 1970. Complacency and smug self-satisfaction have no place in that campaign.

All Americans, black and white, rich and poor, Democrat and Republican, the young as well as the old, all have a centrally important interest in the continued development of an American Government, truly representative of the ideals we have championed for two centuries. All must work together to achieve that end. For ideals are less than useless in the abstract. They can in fact, be fatally harmful. Unless freedom of speech is a fact, rather than a platitude, irresponsible men can hide behind the superficial facade of the ideal while burying the reality of the practice. Unless government of, by, and for the people is truly a working operative, the people can be cheated by the very men who seem to espouse that ideal. Let us not be eager, then, to pay lip service to such abstractions, while negating their real applications by our actions. The true good citizen will never allow this to occur. His is not an easy task.

The American experiment is confronted in the seventies with its greatest challenge. The good citizen must bear the brunt of its defense. Impetuous reaction from the left or from the right will tragically undermine that defense. Hatred and irresponsible reaction can be disguised by many labels, but their end result is disastrously the same.

Benjamin Franklin once said that those who would sacrifice a little less freedom for a little more safety deserve neither safety nor freedom. I am convinced that, tempered by prudence, and guided by intelligent and well-reasoned progressivism, we, as good American citizens, can insure our safety by guaranteeing our freedom.

AGAINST AIR PIRACY

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. BROOMFIELD. Mr. Speaker, the tragic airline hijackings of the past 2 weeks are a cause of deep concern to citi-

zens of all nations. Considerable action has already been taken to prevent this new form of terrorism and to prescribe penalties for those who engage in it. Very little, however, has been proposed to discourage those nations which offer sanctuary to hijackers. I am cosponsoring legislation to effectively sanction those who continue to harbor international criminals. I urge my colleagues to support this measure.

It should be evident that the mere availability of such havens to terrorists has been a large factor in the rise of air piracy. Less obvious, but with far more ominous implications for the future, is the profound disrespect with which these nations apparently view the conventions of international law. While we can no longer tolerate air piracy, we cannot exist with such utter disregard for the law.

The bill I am sponsoring authorizes boycotts by American planes of nations who receive hijacked aircraft. Further, it prohibits the landing in the United States of aircraft registered in the offending country. These measures will not be lifted until the hijacker is returned for trial and the plane itself, with all its crew and passengers, is allowed to continue to its original destination. All assets of the offending country will be blocked until all claims arising from the hijacking have been settled.

With such stringent penalties facing them, these countries can no longer so willingly give sanctuary to hijackers. International law will once again become the guide and standard of all nations, worthy of our respect and our obedience.

COACH OF THE DECADE

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. FLOWERS. Mr. Speaker, I would like to take this opportunity to pay tribute to the greatest college football coach in America, Coach Paul "Bear" Bryant of the University of Alabama. Coach Bryant has just been accorded the highly coveted award of being named "Coach of the Decade" in a poll of athletic directors, head football coaches, and sports information directors of colleges throughout the United States.

Coach Bryant started his head coaching career at the University of Maryland in 1945 where he compiled a record of six wins, two losses, and one tie. Moving to the University of Kentucky for eight seasons, his teams rolled up a record of 60 wins, 23 defeats, and five ties while winning one Southeastern Conference championship and going to four bowl games. His next head coaching stop prior to Alabama was at Texas A. & M. where his record was 25-14-2, including one Southwestern Conference title and a bowl bid.

When Coach Bryant returned to his alma mater in 1958, there immediately began a highly successful rejuvenation of Crimson Tide football. During the past 12 years at the University of Alabama,

Bryant-coached teams have recorded 102 victories against only 22 losses and 10 ties. Alabama teams under Coach Bryant have been to 11 consecutive bowl games and national championships were captured in 1961, 1964, and 1965. All Alabama teams during that period compiled truly outstanding records. The 1966 team, one of his best, ironically did not win the national championship in spite of 10 straight victories plus a sugar bowl win over Nebraska. During his 25 years as a head coach, Paul Bryant teams have experienced only one losing season, that being during his first year at Texas A. & M. in 1954.

With this great coach at the helm, Alabama has ruled the roost in the Southeastern Conference for the last 12 years, adding to its record of more post-season games than any other team in football history, now totaling 23 such appearances.

A native of Arkansas, Coach Bryant came to Alabama on a football scholarship in 1931. He played end on that great undefeated 1934 Alabama team which won over Stanford in the Rose Bowl. Although an outstanding football player in his own right, Bryant was somewhat overshadowed by a young man named Don Hutson who played the other end for Alabama in those days.

The legendary "Bear" has inspired his players and fellow coaches to achieve excellence through dedication and hard work. The examples set by him and those associated with him, past and present, contribute an untold measure to the fine tradition of college football today.

Mr. Speaker, it is a privilege for me to add my congratulations and best wishes to Coach Paul "Bear" Bryant on the occasion of his being honored as "Coach of the Decade."

DISTRICT OF COLUMBIA HAS FIRST RECORDED LEAD POISONING DEATH

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. RYAN. Mr. Speaker, more than a year ago, I introduced a package of three bills aimed at ending the "silent epidemic" of lead poisoning in our Nation's urban centers.

The lead poisoning problem is a serious one. Local government in the past has been unwilling or unable to adequately deal with the problem. As a result, more than 225,000 children between the ages of 1 and 6 have been stricken with this needless environmental disease. And this is why Federal legislation is required.

Nineteen other Members of the House have cosponsored my bills and many other Members have introduced similar legislation. In the Senate, Senators KENNEDY, SCHWEIKER, and SCOTT, have been leaders in introducing comparable legislation.

H.R. 9191 establishes a fund in the Department of Health, Education, and

CXVI—2060—Part 24

Welfare from which the Secretary can make grants to local governments to develop programs to identify and treat individuals suffering from lead poisoning.

H.R. 9192 authorizes the Secretary of Housing and Urban Development to make grants to local governments to develop programs designed to detect the presence of lead-based paint and to require that owners and landlords remove it from interior walls and surfaces.

H.R. 11699 requires that a local government submit to the Secretary of Housing and Urban Development an effective plan for eliminating the causes of lead-based paint poisoning as a condition of receiving any Federal funds for housing code enforcement or rehabilitation. It also requires that these plans be enforced.

In the time since this package of bills was introduced, young children have continued to be stricken by lead poisoning. Some have died. One such death was that of Ricky Parker, a 3-year-old boy who lived with his mother in the District of Columbia.

Washington has just recently required that deaths from lead poisoning be recorded. Ricky's was the first; he died on June 19.

The House Banking and Currency Subcommittee on Housing held hearings in July on legislation, including two of my bills, H.R. 9192 and 11699, which deal with this serious problem. A new bill has been introduced, and it will be reported out in the near future.

We cannot let more time go by before meaningful Federal legislation is passed. Ricky Parker's death was inexcusable. We cannot permit this disease to be a threat to the health and lives of our children.

Legislation is imperative.

I am inserting in the RECORD an article which appeared in the Washington Evening Star on July 21. Written by Timothy Hutchins, it is entitled "Lead-Poisoning Death Reported in District" and it discusses Ricky's death:

PREVENTION PUSHED: LEAD-POISONING DEATH REPORTED IN DISTRICT
(By Timothy Hutchins)

Dr. Hazel Swann: "She patched the walls in the old house with plaster wherever she would find him picking at falling paint. She said he couldn't stop eating paint and that just before he died, it almost became a mania with him trying to find paint and plaster that he could eat."

The first death attributed to lead poisoning since the District began requiring doctors to report such cases has been recorded by the city's health officials.

Lead poisoning is an insidious condition that children develop after eating chips of old, lead-based paint.

Ricky Parker, 3, who lived with his family at 229 F St. NE, was admitted to Children's Hospital in a coma on June 19. He died the next day.

"His mother said he had been eating paint wherever he could find it in the house for a year but never showed any adverse signs of lead-poisoning." Dr. Hazel Swann, a District Physician, yesterday told a House subcommittee holding hearings on proposals to combat the condition.

Dr. Swann donates time to the Volunteers for International Technical Assistance in

Washington, a group that is doing the same thing here. Ricky's mother had never heard of lead poisoning until her son died.

"No one knows how many children die or are irreparably damaged by lead-poisoning," Dr. Swann said, "because the District government only began in April of this year to require doctors to report cases."

But she added that she considered the requirement "the first substantive effort at any kind of legislation to deal with the problem of lead poisoning in the District."

HIGH LEVELS OF LEAD

The District also enacted legislation last spring enabling city officials to order the evacuation of a building or removal of paint from interior surfaces if the paint contains more than 1 percent lead. Generally, landlords and home owners stopped using paint containing higher percentages of lead indoors about 30 years ago.

But much of this paint is now peeling from interior walls of homes. City officials have estimated that 500 of 50,000 District children live in substandard housing and have high levels of lead in their systems because of "pica," a youthful craving for normally inedible objects.

So far this year, Children's Hospital has diagnosed 44 cases of lead poisoning, early symptoms of which are headache, irritability, and insomnia. Progressively, the condition afflicts the victim with vomiting, anemia, convulsions, brain damage, blindness and death.

Unfortunately, many of the symptoms mimic those of other ailments. Physicians as well as parents many times fail to detect lead poisoning.

Romana Parker, mother of the dead boy, said a private clinic diagnosed her son's condition as anemia about a year ago.

During the year before he died, he ate food sporadically, but never enough, said Mrs. Parker, adding that he was having difficulty retaining food a week before he died.

"The autopsy showed that Ricky had lead in his knees," Dr. Swann testified, "bits of paint chips in his colon and plaster chips and paint chips in his stomach."

The city is waiting for a coroner's report before deciding what to do about the lead based paint in the Parkers' home, according to Dudley Anderson, head of the bureau of special health services.

The Parkers have two other children, a son, 18, and a daughter, 21.

The chairman of the Housing Subcommittee of the House, William A. Barrett of Pennsylvania, and Rep. William F. Ryan, D-N.Y., have introduced measures calling for federal funds to help local governments detect lead-based paints and to require owners and landlords to remove them from interior surfaces.

PHONY EXPRESS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. SCHMITZ. Mr. Speaker, in the October 1970 edition of the American Opinion magazine is an article entitled "Phony Express," which should be read by all citizens. It is concerned with a postal training program, using new military vehicles in an invasion of Las Cruces, N. Mex. Our colleague, Ed FOREMAN was justifiably upset with the operation.

I urge everyone to read it, and under unanimous consent include it at this point in the RECORD.

PHONY EXPRESS: REVOLUTIONARIES PLAYING
POST OFFICE

One quiet afternoon in mid-February residents of Las Cruces, New Mexico, were startled from their work as an imposing convoy of military transports rumbled noisily through their streets. Covered with mud and dust, and looking as if they had come a great distance, each bore the distinct markings of the U.S. Fourth Army. And yet, it was obvious to amazed onlookers that this was no ordinary military operation.

Far from being a routine outing of National Guardsmen, the two dozen military trucks, led by a command jeep, were filled with bearded, hard-looking "hippy-types," dressed in filthy bizarre attire. Each of the 2.5-ton Army trucks was decorated with "flower-power" stickers, "peace" symbols, and pro-Vietcong slogans. Within an hour the invaders had bivouacked south of town, off Highway 80.

The Police Department and local newspapers were swamped with calls from concerned citizens demanding an explanation. None was immediately forthcoming. Even city officials, whose job it was to know such things, were taken by surprise. Investigating, the *Las Cruces Sun-News* discovered that shortly after the convoy had settled into a base camp at the Catholic Holy Cross Retreat House on the outskirts of town an agent of the Federal Bureau of Investigation had been dispatched to order the removal of revolutionary slogans and insignias from the Army trucks. It was also learned by reporters that one member of the cadre had been immediately taken to Memorial General Hospital for the removal of two .38-caliber bullets. According to Dona Ana County District Attorney E. H. Williams Jr., the wounded man had a criminal record, having some months earlier been involved in a shooting in Detroit.

The *Sun-News* was finally able to determine that Las Cruces had been chosen some months earlier by top officials of the U.S. Post Office Department as the initial training base for Phase One of a program set up by the Postal Academy Training Institute (P.A.T.I.). The thrust of the "hush-hush" operation around Las Cruces, government spokesmen had finally announced, was a "humanitarian" program to aid "underprivileged" youth. The object, they maintained, was "to give remedial education and job opportunities to economically disadvantaged school-aged dropouts, aged 16 to 21."

Indeed Harvard-trained economist Kenneth A. Housman, the initiator of the paramilitary program, declared that his P.A.T.I. operation "offers opportunities for disadvantaged youths to be gainfully employed. It is a three-pronged program dealing with school dropouts, Vietnam returnees, and under-employed postal employees—those who can not pass civil service examinations and have no opportunity for advancement." Mr. Housman is not a social worker. He is U.S. Assistant Postmaster General for Personnel.

While such "social-worker" chat might suffice in New York or Boston, the people of Las Cruces wanted hard answers. How, they asked, could a veritable army of rag-tag militants (most of them well over twenty-one) be part of a government "youth" project? Why were the "trainees" given unrestricted use of new military vehicles for a postal training program? Of what exactly did their "training" consist? Why had the P.A.T.I. invasion of Las Cruces been designated by officials as "secret"? And why send urban militants to play soldier games in Las Cruces, New Mexico, of all places?

Congressman Ed Foreman (R.-New Mexico), expressed the community's dismay over the P.A.T.I. invasion, describing the "trainees" to your reporter as "looking and acting from the onset like a bunch of radical An-

archists." The Congressman immediately called for a "complete probe," voicing his "concern and displeasure over the project to officials of the Office of Economic Opportunity and to the White House." The O.E.O. and the Department of Labor, as it developed, were picking up *ninety percent* of the overall expense for the program. Las Cruces P.A.T.I. director Willoughby Walling admitted that while the scheme's projected costs for fiscal 1970 were set at \$1,161,746, the amount designated for fiscal 1971 will be \$3,113,044. This was no one-shot venture.

But what could such a program entail? The *New York Times* discussed the postal academy concept in its issue for January 7, 1970. The initial program, said the *Times*, was to be "patterned after the Street [Workers] Academies that have been operating in New York City for more than four years," sponsored by the Urban League and "financed largely by the Ford Foundation." These "store front" academies in the "ghettos" of Harlem, Brooklyn, and the Bronx, have already graduated two hundred "hard-core" militants, with an additional six hundred currently going through advanced "training."

Reflecting for a moment on the identified Communists and Communist Front operations supported by the tax-exempt Ford Foundation (for example, the \$1.5 million given identified Communist Maclovio Barraza and his *La Raza Unida*) one can readily imagine the type of "training" being administered. The Leftist record of the Urban League is even more notoriously appalling—dating back to its efforts to help found the Communists' World Federation of Democratic Youth. When the Ford Foundation and the Urban League get together, you may be certain that they are up to their eyeballs in militant activity. For the Post Office to follow their lead is nothing short of incredible.

Yet, the *Times* said the Post Office Department would run two such "street academies" in each of six "pilot cities" by the target date of May 1970, "and one academy of transition in each city by September, with an expected 2,826 graduates by the middle of 1971." The pilot cities listed included Atlanta, Chicago, Newark, San Francisco, Detroit, and Washington, D.C. This much, at least, was carefully outlined on January sixth when the Post Office Department announced its training program at a press conference in Washington. Few Americans, alas, took notice of the details. Certainly no one in Las Cruces. They should have.

While Congressman Foreman, the great majority of local citizens, and the *Las Cruces Sun-News*, angrily demanded an explanation of the P.A.T.I. caper, a handful of "Liberals" in the Las Cruces area, where Academy "instructors" were being trained, began to march to the beat of a different drum. Less than two weeks after the postal freak show hit town, a city commissioner named Albert Johnson announced: "Las Cruces can be honored to have this worthwhile program located here, and I want to be the first to officially welcome the program into our city." The word had gone out through "Liberal" channels to protect the project. In lockstep with Commissioner Johnson was KGRT, a Las Cruces radio station whose radical owner, Gerry Martin, also echoed the approved line. The same held true for "Liberal" editor Perrin and his newly-established *Las Cruces Bulletin*. In the *Bulletin* of February twenty-sixth, under the amusingly self-conscious headline, "Las Cruces Wins National Award: Postal Academy Training Institute Honors Our City," Perrin euphemized:

"The theme of growth through stress is basic to the curriculum [of the P.A.T.I. program]. Students are organized into patrols and trained in techniques of search and rescue, first aid, firefighting, and other emer-

gency measures. In the course of this training, the student is involved in a continuing sequence of stress situations that increase in difficulty and complexity, yet are structured in such a way as to insure a maximum possibility of success."

These training procedures, admitted editor Perrin, are patterned after the "Outward Bound" course in military survival instituted in England during World War II.

Guerrilla survival training—for a postal program? Indeed.

The day following the above *Bulletin* editorial the radical voice of the New Mexico State University campus, a pro-S.D.S. student tabloid called *Round Up*, cranked up the tension on the academic line:

"The Postal Academy Program, which is using the Holy Cross Retreat House as their base location during the six-week endurance-stress and sensitivity training courses, begins its functions with the activities of the street-worker, who walks the streets of the vicinity surrounding the Postal Academy, relating to the teen-age dropouts of the ghetto area."

Round Up further reported: "Of the 80 people taking part in the program, there are 16 who are 'director of trainee' candidates and 54 who are street-worker and teacher candidates. At the conclusion of the program, these people chosen as director trainees will be located at the various Academies in the cities and will direct the activities of the Academies. . . . All of the people who are taking part in the training program here in Las Cruces are presently employed by the Post Office."

Congressman Ed Foreman demanded to know why "a bunch of radical Anarchists" should be paid "\$100 a week to climb mountains when all most of them need is a hair cut, a bath, and a job." The Congressman's sentiments were echoed by publisher Joe Priestly and city editor Don Cantrell of the *Las Cruces Sun-News*, who editorialized: "We fail to understand what mountain-training has to do with training postal personnel in daily, face-to-face situations in big city environments. These people will not be delivering mail or sorting packages in the desert or mountains. . . ."

How did the P.A.T.I. generals respond to such shelling? Publicly, they ignored it. Then, shortly after their expose of the P.A.T.I. operation, both the publisher and editor of the *Sun-News* were quietly replaced—and all the photographs taken of the revolutionary trainees and their equipment were misplaced, lost, or destroyed. Congressman Foreman did his best, but continued to meet a blank wall.

Meanwhile the residents of Las Cruces continued to ask in vain why postal "trainees" were undergoing courses in sensitivity-training, military survival, and mountain climbing. A photograph in *Round Up* established that a dashiki-clad "street worker candidate" from Chicago, a black militant named "Mozam-beak," had been among the instructors. And the *Sun-News* reported that a P.A.T.I. trainee identified as Don Lopez had been injured by a falling rock which struck him on the head "just below the helmet. . . ." Lopez and the postal "trainees," so the official story went, had been "climbing" in the heavily-wooded Organ mountains of the Gila Wilderness, an area about three hours' drive northwest of Las Cruces.

Although the Army had suggested sending one of its helicopters to bring out the injured man, postal officials refused to permit it. P.A.T.I. leaders, apparently security conscious, were frantic about keeping both the Army and local police out of the area. They chartered a special plane to remove the man from their mountain fortress. Something very unusual indeed was taking place in that wilderness area. Something police and military rescuers might easily identify as guerrilla training.

It was soon established that the postal cadre—by now dressed in military issue—was actually going through maneuvers in some of the most hazardous terrain in the state, sending and receiving messages via military walkie-talkies and other field apparatus, employing new Army jeeps, trailers, and light-weight motor boats, and apparently undergoing extensive training in paramilitary operations.

Concerned by the angry reaction to reports circulating in Las Cruces, Post Office officials in Washington made plans to try to whitewash the affair. On March first, Assistant Postmaster General Kenneth Housman flew into Las Cruces and met at the local Chamber of Commerce with members of the press, P.A.T.I. director Willoughby Walling, Congressman Ed Foreman, Democrat State Senator Frank O. Popen, and local politicians. Housman defended his program by reiterating plans for a comprehensive, nationwide system of postal academies which he said will have graduated (or commenced training) more than two thousand "hard-core" youth and will be in the process of similarly training 720 postal employees in lower level positions, by the end of 1971. Housman estimated that the program cost per "trainee" would run about \$2,400.

The Post Office Department issued this official statement through its Washington congressional relations officer Jerry L. Reynolds: "Candidates for staff positions for the Postal Academy Training Program, as announced last month by the Post Office Department, have been undergoing stress training in the Las Cruces area similar to that given the Peace Corps candidates. The training course for the urban youths is being conducted by Changes, Inc., a New Mexico-based corporation."

The above communique further stated that "according to the Rev. Lee Hobert, local program coordinator and spokesman for Changes, Inc., the four-week course is designed to equip Postal Academy staff personnel with the skills for understanding and expanding the limited backgrounds of trainees who enter the academy program."

When it was reliably reported that the "Reverend" Hobert was receiving a \$30,000 salary for his "humanitarian" efforts in the P.A.T.I. program, he was quick to deny it. What could not be denied was that Hobert's company (incorporated on December 31, 1969, to provide "educational services to governmental agencies") had already received the incredible sum of \$209,996 from the U.S. Government for "training services." It was a set-up. Twenty-three days after its incorporation Changes, Inc., had entered into a "Negotiated Contract" with the Post Office Department to help run the guerrilla and sensitivity-training program in Las Cruces. There was even a clause in the fourteen-page contract emphasizing that "the contractor agrees not to make public release of information of any matter pertaining to this contract without Post Office Department clearance. . . ."

While filled with all manner of ambiguities and double-talk, the agreement does provide a clear breakdown of the military and sundry government-furnished equipment to be used. And it reveals that Changes, Inc., was required to provide "a course consisting of 27 days of training and three days of debriefing for 122 Postal Academy staff." The government was spending a minimum of \$7,778.51 per day of training for what amounted to a cadre of hard-core revolutionaries—a number of whom were later identified to this reporter by a Changes, Inc., instructor as members of the Communist Black Panther Party.

Add to this the fact that \$73,200 in salaries had already been paid these trainees, and that their air fare to and from the area exceeded \$36,600. In addition, they were pro-

vided with dozens of new M35-A1 Army vehicles worth \$24,372 each—new equipment far better than that supplied most of our National Guard units.

The contract for the Hobert operation was signed last January in Washington, D.C., by Assistant Postmaster General Kenneth Housman and the president of Changes, Inc., Dr. William O. Evans, chief psychologist for the Las Cruces phase of the P.A.T.I. program. Checking on the "Reverend" Lee G. Hobert and Dr. William O. Evans, Congressman Foreman was not surprised to learn that they are two of the most active Leftist organizers in the area. As the *Las Cruces Sun-News* put it, the Congressman "expressed the belief to postal authorities that the record of both men in the community is and has been questionable." As it turned out, that was the understatement of the year.

Of the five incorporators of Changes, Inc., Dr. Evans and the "Reverend" Hobert were undoubtedly the best known. Among the others is Robert C. Poole, an attorney for the New Mexico Council of Churches, an affiliate of the radical National Council of Churches. Attorney Poole drafted the papers of incorporation, and it was he who contacted Democrat State Senator Frank Popen in the summer of 1969 with the proposition that the wealthy "Liberal" put up a cash loan of some \$200,000 to help ensure the success of the effort. After becoming the program's financial angel, Senator Popen was reimbursed by the government, we are told, and made a considerable profit on the venture.

The "Reverend" Hobert, Dr. Evans, and a man named Nielson were the key operators. Let's take a look at their backgrounds.

While a Chaplain at New Mexico State University in the mid-Sixties, and as head of the "Outreach" program of the local Presbyterian Church, Dr. William O. Evans became deeply involved with militant student activists. After assuming leadership of the radical United Campus Ministry, Evans had set up shop in an off-campus headquarters called "The Hut," a center of Leftist activity known in the area for the availability of narcotics and obscene literature. Located less than a block from the home of the university president, this "pot" center served as a hangout for the usual cadre of schoolboy Lenins. Dr. Evans was very busy indeed. He was also linked with a case which involved the mysterious murder of a female acquaintance and was extensively interrogated by Las Cruces police, though subsequently released for lack of evidence. So blatant and immoral were his activities with some of the younger students under his influence that in late 1968 irate townspeople forced his hasty departure for greener pastures on campuses in California.

Shortly after his ignoble retreat a friend and protégé, the "Reverend" James Nielson, took command of Dr. Evans' posts at the University, in the United Campus Ministry, and at "The Hut." As Chairman of the Las Cruces chapter of the American Civil Liberties Union (cited by Congressional Committees as "closely affiliated with the Communist movement"), the "Reverend" Nielson began pushing abortion among his young followers, while advocating the use of drugs and counseling draft evasion. So outrageous were his activities that members of the Presbyterian Church and University officials forced the closure of "The Hut" and removed Nielson from his position.

Nevertheless, the "Reverend" Nielson continued his operation at the Catholic Newman Center—which, like his former haven, had become a meeting place for local black militants and members of the Communist S.D.S. Indeed, most of the campus Leftists still maintain their base of operations in that center, which is run by another of Dr.

Evans' friends, Father Lionel Moroney. It was Moroney who helped provide the Las Cruces bivouac for the postal guerrillas.

In early 1970, Dr. William O. Evans quietly returned to Las Cruces—this time as President of Changes, Inc. Aiding him in the new scheme was the "Reverend" James Nielson. What were they after? Dr. Evans, chief psychologist for the P.A.T.I. escapade, is quoted by an aide to Congressman Foreman as having announced: "We must knock America to its knees and make her bleed."

The "Reverend" Lee G. Hobert has been a bit more discreet. Yet he has privately admitted to acquaintances (interviewed by your reporter) that he is "dedicated to destroying the Catholic Church." This though he presently sits on the Board of Directors of the Catholic Holy Cross Retreat House which served as a sanctuary for the postal guerrillas and is yet being used as a site for sensitivity-training sessions called "Encounter Weekends." The "Reverend" Hobert advertises these sordid affairs (\$20 per session) in his own church bulletin.

A former President of the New Mexico Council of Churches, Hobert traveled to Albuquerque in April 1968 to march and demonstrate with identified Communists during the phony "Poor People's Campaign." He solicited funds for that Red effort. Although seldom seen wearing his clerical garments (he hates to be called "Reverend"), Hobert donned his black suit and white collar for the "Poor People's" affair. He now sits on the Board of Directors of the radical United Campus Ministry.

But that's not all. Not by a long shot. In addition to his "humanitarian" role with the P.A.T.I. program, the "Reverend" Hobert serves as treasurer and staff coordinator for the statewide Home Education Livelihood Program (H.E.L.P.), an O.E.O.-funded organization set up in 1965 by Hobert and its present executive director, Alex Mercure. Ostensibly created to assist migrant farm workers, H.E.L.P. soon drifted into activist organizing among Mexican-Americans. Mercure has fifty-six offices in the state, staffed and financed by the federal Office of Economic Opportunity and the radical National Council of Churches. New Mexico State Police Intelligence is well aware that H.E.L.P. employees were providing both physical and legal aid for Castroite terrorist Reyes Tijerina, former head of the *Alianza* guerrilla operation in the area. In fact, H.E.L.P. leader Alex Mercure was quoted by the *New York Times* in 1967 as having admitted that "some of our people are obviously members of Tijerina's group." He predicted that Comrade Tijerina's armed revolutionaries might well spread across the Southwest to establish control when the time was ripe.

Although both Hobert and Mercure have squandered an estimated \$9 million in O.E.O. funds on various grandiose schemes (all abysmal failures), the Ford Foundation this spring came through with \$950,000 for Mercure to finance another of these phony enterprises. The latest con is a system of "warm-up" and "feed" lots for cattle.

Not surprisingly, the "cattle feed lot system" in northern New Mexico has also been financed by the O.E.O.—which in the spring of 1970 granted Alex Mercure the sum of \$708,500 for the project. In addition, the O.E.O. plans to place the radical Mr. Mercure on the Board of Directors of its new Opportunity Funding Corporation. All this in spite of the fact that Mercure is known to endorse both the Communist-led *La Raza Unida* and the Reds' Brown Berets. As he has publicly declared: "First we'll get the gringos' money, then we'll run the damn gringos off the land and take it for our own." Even when there are no postal guerrillas to be trained, Mercure and the "Reverend" Lee G. Hobert are up to their necks in radical activity.

On April seventh, after weeks of raging controversy, the first contingent of postal employees completed training in Las Cruces under Hobert, Williams & Company and were flown to their respective Postal Academies in San Francisco, Chicago, Detroit, Newark, Atlanta, and Washington. There they began the subtle job of attracting a cadre of radical "ghetto" youth for the next stage of the program.

Beginning on the first of June, members of the second cycle of trainees were flown into New Mexico for the next round of indoctrination. This time headquarters were set up in an old Job Corps encampment at Moun-tainaire, a site just below Albuquerque. The current postal guerrilla training is being given in the rugged Sangre de Cristo mountains in the northern part of the state, not far from the "Hog Farm" revolutionary commune at Taos and the infamous San Cristobal ranch, which is used as a retreat for top Communists.

Okay, fine. But what does the Left expect to gain by these operations?

The "Reverend" Hobert has released a five-page statement on the purposes and objectives of the Postal Academy Training Institute in which he may very well have indicated a plan to use radicals placed in key jobs in our postal system for something akin to urban guerrilla warfare. Relating how the Postmaster General had earlier requested a search for a working model through which "under-employed" postal employees could achieve higher status while aiding "ghetto youth," Hobert told about the adoption of the program of "the highly successful Street Academies and Academies of Transition in New York City and New Jersey." He said that "This search was intensified by a directive from President Nixon to all divisions of the Federal Government to come up with something besides a padded paper poverty program."

While the Post Office Department was attempting to decide whether to itself "become a private-sector enterprise or remain a division of the Federal Government," Hobert continued, "its leadership became aware of the fact that it represented a vast untapped resource never previously recognized or utilized by government in attacking the urban problems in America." It is the conclusions which Hobert draws from this concept that provide the giveaway. The "Reverend" Hobert observes of the U.S. Post Office:

"It is the only organization in the United States with a business operation located in every ghetto or disadvantaged area in the country.

"It is the only organization in the United States which has employees walking or traveling on every street, literally knocking on every door in every ghetto or disadvantaged area of the country. . . .

"The Post Office is the only organization in the United States having employees walking into every business establishment in the downtown area of every major city in the country."

Get the picture? You may be certain the "Reverend" Hobert and his revolutionaries do. And, says Hobert, "The plans are to expand, as the second step of implementation, to, perhaps, thirty-six cities. The Post Office Department would like to have Street Academies Programs going in 400 cities within three years' time. . . ." Let Hobert and his radicals train their instructors, and look out! Yet, he has the full backing of the Establishment. As the New York Times reported:

"Postmaster General Winton M. Blount announced the experimental program today, calling it "exciting and imaginative." He said the program "has the full support of President Nixon." He was joined at a news conference by Labor Secretary George P. Schultz and Donald Rumsfeld, director of the Office of Economic Opportunity."

Of course, Executive-level manipulation of the postal system in the service of radical interests is not new. One remembers that on April 6, 1961, shortly after his inauguration, President John F. Kennedy issued Executive Order 20247 rescinding an earlier Presidential directive which had provided that all "suspect mail" arriving in the United States from Communist countries be forwarded through an Inspection Investigation Division. Since that day, patriotic postal authorities have been powerless to stop the increasing flood of Communist propaganda being sent through our mails from abroad.

During the Hearings of the Senate Internal Security Subcommittee published as Communist Political Propaganda And Use Of United States Mails, U.S. Customs Service official Irving Fishman testified that: "Foreign mail is carried in transit through the United States pursuant to a principle of the Universal Postal Union." He stated that in transit mail is considered to be closed mail and is required, under the principle of the Convention, to be dispatched across our country without examination. Under the rules of the Universal Postal Convention and applicable laws, the United States is now committed to provide a pipeline for Red propaganda over which we have no control. And the Soviet Union, of course, is taking full advantage of the situation.

This despite the fact that U.S. participation in the Universal Postal Convention forces a serious breach of the Tariff Act of 1930, a provision of which calls for "the prohibition of the importation of treasonable material—material which invites insurrection against the United States, or advocates the overthrow of the United States government."

The Senate Hearings also revealed that prior to our entry into the Universal Postal Convention a two-week check by U.S. Customs Service investigators of just two percent of incoming mail from but one Latin American country established that, projected over a year's time, "some 137,580 packages containing 365,000 individual items of printed Communist propaganda" were arriving undetected from the U.S.S.R. Embassy in Mexico alone. It was further established that "in 1955, the Iron Curtain countries sent to the United States some 2,565,000 packages of Communist propaganda. These contained over 5 million individual items. In 1956, that moved upward by over a million; in 1957, by almost a million; and, in 1958 . . . we had 4,897,765 packages of political propaganda, containing close to 10 million individual items of printed matter destined for distribution in the U.S. area." Today, that Communist propaganda is being delivered without question!

A great many patriotic postal employees don't like this situation one bit. And, it is regularly being challenged—thus far to no avail. As U.S. Representative John R. Rarick (D.-Louisiana) noted on the floor of Congress on June 24, 1970: ". . . many Americans were shocked to learn that the Constitution had been extended to guarantee delivery of Communist literature advocating violence and sabotage through the U.S. mail. Such a decision has been handed down by a panel of Federal judges—prohibiting the Postmaster General to refuse to deliver revolutionary publications from Red China."

Americans are also objecting to the serious upsurge in distribution through the mails of unbelievably foul pornographic materials. Although a good portion of this smut is produced in California and New York, Part 2 of the above-cited Senate Internal Security Subcommittee Report on subversion of the mails (issued in 1961) established that there is a definite "connection between the Communists and the distribution of pornographic materials" and that a prime source of this "salacious material" is Communist East Germany. Even more alarming is the fact that the only recourse an American citizen now has when receiving unsolicited

Communist or smut mail is to complain again and again to his local postmaster, fill out a form citing specifics, and wait until the Post Office notifies the sender that he must remove the victim from his mailing lists. The pornographers and Communists are delighted to do so, clearing their lists of hostile prospects.

The situation is made even more ominous by the fact that within the vital postal system itself the levers of power are often in the hands of radical union officials who not only ignore the internal sabotage of our postal system but in some cases actively direct it. Such was the case earlier this year when a relative handful of Leftist agitators attempted to seize control of the working apparatus of the U.S. Post Office.

On March 18, 1970, the first postal strike in American history began in New York City, spurred by a "wildcat" walkout of fourteen thousand letter carriers demanding a pay increase of some forty percent. Behind the movement, which was part of an effort to "shut down the entire city of New York with a General Strike," were radical labor leaders Harry Van Arsdale and Victor Gotbaum, supported by a "goon squad" of organizers whose efforts soon spread the strike coast to coast. The Communist Party was up to its Red neck in the operation, distributing inflammatory leaflets, booklets, and petitions at postal branches throughout the nation. Identified Communists not only walked the picket lines in many cities, but helped organize the massive strike within the labor unions.

After such major Communist journals as the *Daily World*, the *Guardian*, *Challenge*, and *People's World* had carried front-page directives urging such action, the multitude of Communist Fronts began a series of marches and rallies supporting the strike. Among the most active were the Young Workers Liberation League (formerly the W.E.B. DuBois Clubs), the Young Socialist Alliance, the International Socialists, the Student Mobilization Committee, and the Progressive Labor Party. And in virtually every photograph of the postal strikers which appeared in the Communist media, government employees were depicted with their fists raised in the Communist salute. In fact, so important was this "spontaneous" strike that the *Militant*, official newspaper of the Trotskyite Socialist Workers Party, published a "Postal Strike Special" devoted entirely to this issue. The readers of the *Communist Militant* were directed as follows:

"The Socialist Workers Party candidates across the country have declared their unconditional support for the strike, and call on the labor movement to come to the aid of the postal workers. . . . The Black and Third World liberation movements, the student and anti-war movements and other forces must come to the aid of the striking workers mobilizing support for them."

So serious was the matter of Communist involvement that James H. Rademacher, president of the 200,000-member National Association of Letter Carriers, urged strikers to return to work, reporting that striking employees were being urged to excesses by members of the Communist Students for a Democratic Society whom Rademacher said had heavily infiltrated the Post Office Department. Many striking postal employees, said Rademacher, were sincere in their actions but had become the "unwitting dupes" of the S.D.S.

By March twenty-third the situation had grown so serious that President Nixon declared a state of national emergency, ordering 2,500 military personnel into New York to move essential mail. The following day, after the Administration had stalled for a week to tie an acceptance of wage demands to a major postal "reform" of the Post Office Department, Postmaster General Winton Blount reported that the strike was all but over. On April first, it was.

As a result of this strike the Interstate Commerce Commission approved increases averaging 15.2 percent in fourth-class parcel post and increased by one-third the cost of other classes of mail. Although postal employees benefited from their compromise pay hike in August (retroactive to April eighteenth) they were set up by the Administration for further controls over their future earnings and job security. They unwittingly forced passage of a controversial postal reform bill, which Postmaster General Blount admitted would have been impossible just eighteen months earlier.

And, even though Americans have been asked to bear the burden of increased postal rates, Postmaster Blount has continued to ignore the debts owed by foreign governments for international postal service. The great influx of Communist propaganda mail from Latin America, for instance, has resulted in outstanding Hemispheric postal debts of \$9.1 million. A debt of \$3 million, for example, is owed us by Communist Cuba—a debt which has been escalated over a decade as Castro has poured in tons of propaganda by mail. Asked why the Post Office has neither attempted to collect these debts nor charged interest on them as allowed by international agreement, postal relations spokesman Kenneth Fulton countered: "We have the feeling it would cause ill will and Postmaster General Winston Blount would not like to be the first to invoke the interest clause."

In the meantime, American taxpayers are required to pay the estimated \$645.8 million wage increase demanded by the unions and approved by President Nixon, as well as the ten percent subsidies totaling nearly \$800 million a year (through 1979) as provided by Congress in its passage of the Postal Reform Bill of 1970.

In early August, shortly before the House voted approval of the most sweeping overhaul of the U.S. mails since Congress took control in 1789, Representative H. R. Gross (R-Iowa) and other opponents of the bill charged that the measure's provision to eliminate Congress from its policy and rate-making role amounted to "taking the post office away from the American people." As the second-ranking Republican on the House Post Office Committee, Representative Gross blasted the compromise bill charging that it had failed to take politics out of the post office. As Gross put it: "The postal service will be as polluted as ever with politics, cronyism and nepotism."

Mr. Gross predicted that "the wrath of American taxpayers will rise and make future Congressmen put the pieces back together." He was seconded by a number of other Representatives, whose concern is based on the fact that the bill ends Congress' 181-year control over mail rates and the pay of postal employees while turning the \$7 billion, 32,000-branch mail system over to an Executive agency run by eleven governors appointed by the President. And, although an amendment was added to the bill by Conservatives in the House to protect postal workers from compulsory unionism, postal employees are nevertheless to be represented by the unions whether they like it or not. For the first time in any federal agency collective bargaining will be in effect. The workers will be subject to the dictates of compulsory arbitration.

With such costly and dangerous programs as the Postal Academy Training Institute gradually taking their toll among incoming employees, the continuing radicalization of postal workers by agitators within the unions, and the removal of Congressional control, it could well be only a matter of time before the most vital communication link in the United States is in ruins. We may soon find ourselves forced to comply abjectly with the whims of a postal Big Brother or learn to develop "Extra Sensory Perception."—David Emerson Gumaer.

FABULOUS FOURTH REPORT

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. WYDLER. Mr. Speaker, during my eight years of service in the U.S. Congress, it has been my tradition to issue periodic reports to the residents of the 4th Congressional District, keeping them fully informed on my activities, particularly those relating to current national issues and vital problems affecting the Long Island area. My latest report has now been prepared and follows:

FABULOUS FOURTH

Congress will not have adjourned by the time this issue of The Fabulous Fourth reaches you. However, with Election Day drawing nearer, in order to keep this report non-political in tone, I felt that it should go out now.

WYDLER DEMANDS RELEASE OF REPORT ON HIGH BEEF PRICES

Refusing to give in to the pressures of special interest groups or to the persuasive arguments of his fellow congressmen from the cattle-producing states, Congressman John W. Wylder has continued his demand that the full text of a 28-page report on the price of beef—the outcome of Congressional committee hearings which he had requested—be released so that the public can draw its own conclusions.

The Report, while somewhat critical of the Departments of Agriculture and Labor in terms of inadequately forecasting domestic beef consumption, made it abundantly clear that the American Cattleman's Association has consistently pursued a policy of recommending to the industry that it "voluntarily" reduce the beef supply despite the fact that beef consumption in the United States is increasing at the rate of about 3% per year.

The Cattlemen's Association lobbied and pressured against the adoption of the final report of the Wylder initiated investigation into beef prices and so far, they have succeeded.

Report recommended imports

"The basic recommendation of the Report," Wylder said, "was that the import quota on beef be related to consumer demand as well as to producer supply. We did not ask that import controls be abolished. We merely asked that they be made more flexible and responsive to the difference between domestic supply and consumption."

"The second recommendation of the Report," he continued, "was the appointment of an 18-member Congressional commission to study the entire beef industry over a two year period and to make recommendations so that an adequate supply of beef would be continually available to the American housewife at reasonable prices."

"I am reluctant to speculate," Wylder said, "why the lobbyists objected to an impartial study of the beef industry!"

The Report was attacked by such groups as the American Farm Bureau Federation while it was still considered to be confidential and presumably only in the hands of the members of the investigating committee! Those who opposed the Report's contents appeared to be "in the know," Wylder commented, while American consumers were left to guess at its contents.

"I strongly supported the measures outlined in the Report, and I shall continue to press for action to give the American housewife a square deal at the meat market," Wylder declared.

Caption.—A leading question! More of a

whiz in Congress than at the cardtable, Congressman Wylder took a few moments off from his routine assignments to visit the Five Towns Senior Center in Woodmere where he proffered some friendly advice about which card might make a good lead in the bridge game. Standing far right is Mrs. Betty Flynn, president of the Five Towns Community Council, who will not divulge how wise Wylder was.

LET'S LOOK AHEAD!

With another Congressional election nearing, I must face the possibility that this may be my last report to you as your Congressman. I hope not.

After eight years in the House of Representatives, where I now serve on two of the most vital Committees, I enjoy having acquired a seasoned sense of timing and tactics which enables me to get things done for the benefit of my constituents.

I am aware that a Congressman must take a long range view, hoping that, on the strength of his record, things will go well and he will continue to have the opportunity of serving his constituents and of pressing for the Federal laws and Federal aid which will improve our economy, strengthen our security and safeguard our heritage, not only in the Fabulous Fourth but all over our Nation.

Caption.—"By-product" of LEM space research. Joseph Gavin, director of Grumman's space program, describes to Congressman Wylder the improved device being used in heart transplants which is a direct outcome of the biomedical aspects of space science.

WYDLER HELPS CAPTURE SPACE DOLLARS FOR NASSAU

The decade of the seventies looked considerably brighter for the Grumman Aerospace Corporation when in July, after refusing to accept an initial rebuff in its space related proposals, the company won a contract with the National Aeronautics and Space Administration to undertake a study for a "space shuttle."

The space shuttle idea is basically a project to develop re-usable space vehicles which can be flown back to earth and re-launched thus decreasing the cost of exploring space in the decades ahead.

Grumman, the creator of the LEM which has landed men on the moon and enabled the crew members of the disabled Apollo 13 to return safely to earth, faced with bitter competition and the choice of other companies for the job, came forward with a low-cost, low-risk concept of a space shuttle which finally won acceptance.

Representative Wylder, who is a member of both Congressional sub-committees concerned with space probes—the one which oversees NASA and the one focused on advanced research and technology—had consistently fought alongside of Grumman to see that their proven competence and know-how were not lost to the national space effort. In the spring, upon invitation from Wylder, leading members of the Science and Astronautics Committee had visited Grumman to review its past performance and future potential.

Commenting on Grumman's new assignment, Wylder said, "I have learned that five million dollars a week are channeled into the Long Island economy via Grumman and I know what this means to the economic well-being of our entire area. I intend to see that Long Island is fairly treated at the same time that our nation's place in space is protected."

WYDLER JOINS TEAM FIGHT ON DRUGS

Taking full advantage of his position as ranking member of the Science and Astronautics Committee of the House of Representatives, which has jurisdiction in the science field where drug research is being done, Congressman Wylder accepted appoint-

ment in May to the Narcotics Guidance Council of the Town of Hempstead.

Wydler's appointment to the Council gives the Township direct contact with some of the world's leading researchers in the area of drugs such as Dr. Stanley Yolles, head of the Federal Bureau of Drugs, and Dr. Sidney Cohen, head of the Division of Narcotic Addiction and Abuse, National Institute of Mental Health.

In accepting appointment to the Council Wydler said he intends to keep this entire area fully informed about the availability of federal funds to fight the drug problem. Through the Congressman's Washington office, the latest government studies on drugs and drug-related subjects as well as free government-made motion pictures will be channeled into the hands of those best able to make significant use of them.

"In March," Wydler commented, "the President ordered a six-fold increase in federal spending in 1971 to combat drug abuse among young people. I am glad to join the dedicated efforts of organizations in my Congressional District to combat drug addiction where it exists and to forestall drug experimentation among the youngsters of our County."

Caption.—Timely talk on tensions. The Couples Club, Congregation of the Sons of Israel, Woodmere, invited Congressman Wydler to meet with them and discuss the tensions in the Middle East. Wydler had called for face-to-face negotiations by the governments directly involved and strong U.S. support of Israel as part of a consistent policy against Communist aggressors. Listening to his viewpoints are Harvey Krauser, Mrs. Irving Litwak and Mrs. Stanley Rothman.

Caption.—My country 'tis of thee. Nine-year-old Kenneth Graham, who uses the educational resources of the Industrial Home for the Blind in West Hempstead, became better acquainted with his country's flag when Congressman Wydler presented an American flag to the Home.

FREE FLAGS

Through the courtesy of the Reader's Digest, Congressman Wydler will be able to provide American flag decals to the first 5000 constituents who send postal cards with their names and addresses and the words "American flag" to this local office at 150 Old Country Road, Mineola, New York 11501.

WYDLER WANTS EQUAL RIGHTS FOR WOMEN

An amendment to the United States Constitution granting equal rights to women, sponsored by Congressman Wydler, has already passed the House of Representatives.

The text of the amendment reads very simply: "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

The ratification of this amendment, according to Wydler, would guarantee women the same property and inheritance rights as men and the same job opportunities. "At last," he said, "women would be recognized as first class citizens."

MITCHELL FIELD PLAN NEEDS RETHINKING

The present plans for the commercial development and exploitation of Mitchell Field should be abandoned and new plans should be formulated meeting the needs of the people of Nassau for open space and community and civic services, according to Congressman Wydler.

Commenting on the existing plans, Wydler pointed out that as a conservationist, he is worried about the urban-type pollution, traffic, and overcrowding that building a "city" in the heart of Nassau will produce.

"What started as a project to benefit the public welfare has become a private, commercial project whose sole aim is financial," Wydler said. "Unless we reject this plan, we

are preaching conservation and practicing destruction."

"The project plans drawn up by the Development Corporation are incompatible with a suburban way of life. I want to see a plan which protects the area, maintains its attractive character and improves the quality of our local living."

Caption.—Italian society adopts Wydler. The Italian Cultural Society of Garden City conferred an honorary membership on Congressman Wydler at its annual springtime installation of officers. Joining in the festivities were Dr. Anthony LaSala, incoming president, and Mrs. LaSala.

LEGISLATIVE ROUND-UP

Highlights of Congressman Wydler's Voting Record in the 91st Congress

Some bills I voted "yes" on—tax reform. Closed tax loopholes and provided tax reductions for middle income families.

Clean air. Authorized research into air pollution problems involving fuels and motor vehicles.

Auto safety. Authorized \$93 million for three year period for motor vehicle safety activities.

Student loans. Makes more money available for student loans.

Some bills I voted "no" on—Agricultural appropriations. Voted against large farm subsidy payments.

Forest timber. Voted against additional tree cutting in national forest land. Would be a blow to conservation.

Some bill I have sponsored—Anti-pornography. Would prohibit the mailing of obscene literature to minors.

Improved transportation. Provides for long-term financing for expanded urban public transportation which would help the LIRR.

Consumer assistance. Would establish an Office of Consumer Affairs in the Executive Office of the President.

Volunteer army. Calls for the establishment of an all-volunteer Army by July 1, 1971.

Ecology improvement. Establishes a national college of Ecological and Environmental Studies.

Postal pay study. Establishes a presidential commission to study pay system of postal employees and to recommend area pay differentials for high-cost living areas such as Long Island.

EDUCATIONAL AID FOR THOSE WHO NEED IT

In an effort to clarify the provisions of the Elementary and Secondary Education Act (Title I) related to benefits for children of low-income families, Congressman Wydler has introduced a bill which would directly channel federal funds into programs of maximum benefit to these youngsters.

Commenting on the introduction of his bill, Wydler said, "When I first voted for ESEA funds, I understood the intent of Congress was to provide educational assistance to children of low-income families. Over the years, however, the funds have been spread out so thin in certain areas that the programs are ineffective in helping the very children for whom they were intended."

The Wydler bill, which has been welcomed as a step in the right direction by the Nassau Office of Economic Opportunity, is receiving broad Congressional support.

MILITARY INTERVENTION A SHARED RESPONSIBILITY

Guidelines which will make any military intervention, in the absence of a declaration of war, the jointly shared responsibility of the President and the Congress of the United States are embodied in a bill proposed by Congressman Wydler which is similar to one introduced by Senators Jacob K. Javits of New York and Robert J. Dole of Kansas.

Under the Wydler proposal, the President

as Commander-in-Chief can commit American armed forces under only four clearly defined circumstances: 1) To repulse a sudden attack upon the United States, its territories and possessions; 2) to repulse an attack against the Armed Forces of the United States; 3) To comply with a national commitment caused by a treaty or convention already agreed to; and 4) To protect the lives and property of United States nationals abroad.

The bill, while preserving the President's powers to retaliate and defend this country, requires an immediate presidential report to the Congress explaining under what circumstances military intervention was initiated. Supportive Congressional action must be taken within 30 days or the President cannot continue to authorize the military action.

WYDLER REVIEWS JET NOISE BATTLE

Reviewing his eight year battle to reduce jet aircraft noise, Congressman Wydler noted in the Congressional Record that in his early days it was a lonely fight characterized by indifference and sarcasm upon the part of some of his colleagues whose constituents had not yet experienced discomfort from sonic boom and jumbo jets.

"The years have changed this apathy," he observed. "Now there is a substantial body of Congressmen who are fighting alongside me and progress has been made."

As a member of the Science and Astronautics Committee, Wydler has succeeded over the years in obtaining larger and larger sums of money for research which has resulted in the development of equipment to retrofit aircraft to reduce jet noise substantially. His bill to give the Federal Aviation Administration power to set jet noise limits is now the law of the land.

Note: A reprint of Mr. Wydler's remarks containing a chronological account of his eight year anti-jet noise battle is available from his District Office, 150 Old Country Road, Mineola, N.Y. 11501.

Caption.—Preserving the Hempstead Plains. John A. Ewald, Jr., president of Forever Wild, Inc., discussed with Congressman Wydler ways of preserving the Hempstead Plains as a wild-life sanctuary.

Caption.—Youth at work . . . constructively! Congressman Wydler joined Robert Goldberg, chairman of the "Government in Action" program and principal Edwin R. Krawitz at a "Model Congress" held at Lawrence High School to familiarize students throughout the County with the workings of the legislative branch of the government at the federal level.

VIOLENCE ON CAMPUS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. BIAGGI. Mr. Speaker, about a year and a half ago in one of my first statements in this Chamber, I urged college and university administrators to take a strong stand against violent demonstrations on their campuses. At the time I was one of the few voices doing so, but since then many others have joined in the plea for such a policy as the only means to guarantee peace on the campuses, short of closing down the institutions. In fact, even the President has now joined in the cries for enforcement of law and justice on the campuses.

I am sure the events of last spring clearly showed that the soft approach of

school administrators leads to tragic consequences. As another term approaches, more and more administrators have realized that violent and unlawful demonstrations will result in deaths and school closings. In order to protect the lives of their students and faculty, and the institution itself, numerous college and university heads are adopting policies providing for swift legal action against unlawful demonstrators, including expulsion from their institution and civil complaints.

STRONG POLICIES NEEDED

It is about time every college and university spelled out its policy against the minority of radicals seeking to destroy the American educational system and with it the American principles of democracy and freedom. When a handful of nihilistic students, and in many cases, outside professional agitators, are permitted to control the course of events at our universities, stop classes and take over buildings, it will not be long before the same minority moves from its campus training grounds into society itself to satisfy the craving for destruction.

We are seeing this happen every day. Policemen are shot at while out on patrol. Judges are held hostage or their cars bombed. Courthouses, police stations, factories, military research centers, and other public and private buildings are shaken by terrorist attacks.

LACK OF CONTROL LEADS TO VIOLENCE

This country is beginning to see the results of leniency in the past. The lack of effective administrative control on our campuses has led to a feeling that all society should grant concessions to whoever throws a bomb or blocks a thoroughfare. The leniency in our courts has virtually locked up our law enforcement officers in a maze of judicial requirements and so-called constitutional safeguards—safeguards that only keep the criminal and terrorist safe from punishment.

I praised Father Theodore M. Hesburgh, the president of the great University of Notre Dame, last year for his tough stand against unlawful demonstrators. He set forth the following policy for his institution:

Any group that substitutes force for rational persuasion will be given fifteen minutes of meditation to cease and desist . . . if there is not then within five minutes a movement to cease and desist, students will be notified of expulsion from this community and the law will deal with them as nonstudents.

A spokesman for Notre Dame University informed me that they have had only one minor incident this past year under the new policy. In that incident, the students involved were suspended from the university. He indicated that the administration feels the strong stand against unlawful demonstrations kept the campus peaceful during the anti-Cambodia period in the spring. Orderly demonstrations and speeches were permitted without incident or injury.

FEDERAL AID TO CAMPUSES

Mr. Speaker, this body has ruled out cutting off Federal support of institutions that fail to take action against in-

dividual unlawful demonstrators, and rightly so. Many students who want no part of violence or law breaking would suffer as a result. Nevertheless, these same students are suffering loss of classroom instruction and use of campus facilities every time their institution is closed as a result of an unlawful campus disorder.

Certainly a failure on the part of an administration to take corrective action against violence and destruction on its campus is a sign of its inability to govern its institution properly. In the granting of Federal aid, such a failure should be taken into consideration when examining the ability of a college or university to successfully utilize a grant. It is clearly a waste of the taxpayers' dollars to give money to an educational institution that must close its doors during the year because it cannot maintain order. Why, it is like granting funds for a new post office to a ghost town.

Unless the administrators of our colleges and universities are willing to take a strong stand against lawlessness and in favor of order on their campuses, the 1970-71 school year will be marked by further violence and destruction and very possibly more lives lost.

NATIONAL GUARD TRAINING

On the latter point, there is reason to believe that better training and direction of the National Guard units operating on riot-torn campuses could insure greater safety and help prevent tragedies such as those that occurred at Kent State and Jackson State Universities. I have urged over and over again that the units be given extensive training and be supplied with up-to-date equipment to meet any contingency during a civil disorder.

I recently toured a National Guard training camp in New York, and am pleased to report that my State is implementing just such a training program based on excellent riot control equipment. But other States must follow New York's lead.

A PLAN FOR PEACE

Many schools are already starting their fall terms. Now is the time to plan for law and order at our educational institutions. My program to keep our campuses peaceful this fall would require the following:

First. A strong statement of policy by college and university presidents indicating that they will take swift action against any unlawful demonstrations. The sanctions would include expulsion from the institution and preferring charges leading to arrest and prosecution for violation of civil and criminal laws.

Second. The drawing up of plans by the colleges and universities and local law enforcement officials so that in the event of disorders on a campus, legal action can be taken to prevent loss of life or destruction of property.

Third. Upgrading of the training and equipment of law enforcement officers and National Guardsmen assigned to riot-control duties.

A sharp line should be drawn between the full-time students and the full-time agitators—the hard-core radicals—who

move from campus to campus in their efforts to stir up trouble and cause dissension and violence. In many cases, it is the latter who start the rampages that end up involving whole schools and who withdraw before the police or riot squads come in. These people have only radical revolution on their minds.

Mr. Speaker, I am convinced that once these hell-bent radicals are aware that they cannot continue to destroy without suffering the consequences, we will see an end to this lawlessness on the campuses. And just as higher education is meant to be a preparation for one's lifework, once we stop permitting our campuses to serve as training grounds for revolutionaries and terrorists, we will see an end to subversive activities and violence in our society. I, for one, hope this year will mark the turning point.

CONGRESSIONAL REPORT TO THE
NINTH DISTRICT RESIDENTS—
AUGUST 24, 1970

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. HAMILTON. Mr. Speaker, in 1846, friends of Abraham Lincoln gave him \$200 with which to run for Congress. He returned \$199.25. His only campaign expense was 75 cents for a barrel of cider.

It is expected that nationwide expenditures of political candidates on electoral advertising will run to \$50 million during the campaigns this year.

These figures illustrate the phenomenal increase in the cost of campaign financing. These costs have now reached the stage where they constitute a challenge to the democratic process. They must be gotten under control. Rigid limits to campaign spending must be established and maintained.

The objective, in examining the problem of campaign financing, should be a fair, competitive election for every seat in the Congress. This objective requires that a candidate have access to adequate resources to wage a competitive campaign.

Campaigns should be financed in a way that will build support for our political institutions and respect for the political process. If the possibilities for waging a campaign are denied to all but the financially wealthy or the richly endowed, many of the most qualified candidates may effectively be denied access to the political arena. And unless voters have the chance to choose among the best possible alternative candidates, the hopes for public confidence and good government are drastically diminished.

Several solutions to the problems of excess campaign spending have been proposed. One is the use of tax incentives for political contributions to divert public funds to campaigns. A special lawyers' committee in New York City has recommended others, including these:

Congress should provide by statute for direct public subsidy of all general elec-

tion campaigns for seats in the House and Senate, available to them directly and with minimum guidelines for use. Such enactment should be accompanied by a reduction to \$1,000 of the limitation on individual contributions to any candidate;

Every legally qualified and nominated candidate for Congress may send through the mails, postage free, one letter or printed matter to every registered voter in his State or district, within 30 days preceding the date of his primary and/or general election;

Congress should, by legislation, limit to \$25,000 the amount a candidate for Congress may spend during any calendar year in connection with his own campaign for nomination or election;

Federal law should impose strict limits on campaign contributions and require full reporting of contributions and spending by all primary and general election candidate for Congress, and all committees supporting them. A Federal Elections Commission should be established to administer this law.

Although I do not support direct public subsidization of political campaigns, I do support tax incentives and strict and enforceable limitations on campaign spending.

The financing of political broadcasting is probably the thorniest problem in the whole area of campaign costs. Both Houses of Congress have now passed bills to correct current political broadcasting procedures by limiting radio and TV spending by candidates. The House-Senate conference report covers purchase of broadcast time by presidential, vice presidential, senatorial, congressional, gubernatorial, and lieutenant gubernatorial candidates in primary and general elections.

Under the conference report, yet to be concurred in by the Senate and the House, candidates would be limited to spending an amount equal to 7 cents for each vote cast in the prior election for the office sought, or \$20,000—which ever is higher. Spending in primary elections would be limited to half that amount. In addition, the sale of TV and radio time to candidates for any public office must be made available at the lowest rates charged to commercial advertisers. This change would reduce political air time rates by close to one-third, it is projected. Finally, existing equal time requirements for all presidential candidates would be repealed.

AN ASSESSMENT OF THE SST ISSUE BY ECONOMIST HENRY C. WALLICH

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. WHALEN. Mr. Speaker, the highly regarded economist, Henry C. Wallich, devoted his column in this week's issue of Newsweek magazine to the question of the supersonic transport program.

As a member of his profession, I have

great respect for Mr. Wallich's views. He brings up the considerations the SST creates regarding our balance of payments, a point that has occupied my attention for over a year. I believe that the SST debate has not focused sufficiently on the ramifications of the balance-of-payments impact on the U.S. economy. Mr. Wallich's discussion is pungent and gets to the heart of the matter.

I would hope, Mr. Speaker, that Members of Congress who have not already read Mr. Wallich's column will take the time to do so. For their information, I herewith insert the article at this point in the RECORD:

HENRY C. WALLICH ON THE SST

Congress is now debating whether to appropriate \$290 million to build two prototypes of the Boeing supersonic transport. If by voting down this appropriation we could ground all supersonic flights, I would favor terminating the project. The nuisance that the plane will cause to man at rest or at work outweighs its convenience to man on the wing. Side-line noise at the airport, take-off roar nearby, sonic boom wherever it goes at full speed, will make the plane a prime nuisance. Disturbance to the upper atmosphere is a remote but serious threat. The traveler's gain in time is unimpressive, particularly when measured portal to portal instead of from end of departure delay to beginning of arrival stack. Rarely will so many be bothered on any day to save so little time for so few.

Some of the SST's opponents, with engaging parochialism, talk as if Congress, by denying the money, could keep all such planes from being built. Unfortunately, Congress cannot. The Franco-British Concorde—as well as the Russian TU-144—is already flying. If the Concorde proves technically and commercially viable, the only remaining question is whether the various nuisances are to be produced by their plane or ours. We cannot escape.

It is futile to argue that we can have peace and quiet by simply denying the Concorde the right to land here. What we can have is a nasty argument with a number of friends and allies. We keep out their Concordes, they keep out our jumbo jets. Since we use more airports abroad than others use here, we probably are at the short end of that stick. The eventual outcome is foreseeable: a compromise involving some noise abatement, presumably no supersonic flights over land, but all the rest pretty much as programmed.

WILL CONCORDE FLY?

The question therefore is whether the Concorde will turn out to be viable. Before the plane lifted off the ground, some skepticism was in order. But now that its tests have begun, these fears or hopes are beginning to fade. The plane has not yet shown that it can do its promised top speed, because the tests have not yet reached that phase. Reports have it that the Concorde is "gaining weight," i.e., that the designers are having to reduce its payload. But reduced commercial viability can probably be made up by come-ons to the purchasers. A Concorde II, moreover, is said already to have entered the thinking stage. Seven American airlines and nine foreign ones are now lining up to buy Concordes. The Japanese and the Dutch are reported to be dickering with the Russians for the TU-144 plus some preferential air routes.

If the SST is not built, the consequences for the U.S. balance of payments will be pretty dramatic. The U.S. now is a strong exporter of planes. If the Concorde takes over the world market, we shall become a heavy net importer. The supposed stimulation of tourism, which has played a role

in balance-of-payments calculations, I do not consider worth counting. I doubt that many tourists will pay premium fare for a chance to meet their maker at Mach 2.7. But even without tourism, the annual damage to the balance of payments, conservatively estimated, would be of the order of \$1 billion till 1985, and with some imagination this can be parlayed above \$3 billion.

WE MUST BUILD

It seems clear that the U.S. has little to gain and much to lose from terminating the SST project. We shall have to build. Nevertheless, the U.S. is not without options. We can rush to build the SST now, as is being proposed, or we can delay in order to let technology catch up with the plane, which is said to be rather ahead of our tested capabilities. Evidence of that are the big design changes which the plane has suffered since Boeing nosed out Lockheed for the contract. The SST even now is almost twice as big and almost half again as fast as the Concorde. But the plane will ultimately fly faster if built with more deliberate speed.

If such delay leads to more even sharing of the world airplane market, this would not be a total disaster. The British—less so the French—need exports too. If they can sell some Concordes, we may have to lend them less money next time there is need to stabilize the pound. But the decision whether to proceed posthaste with a commercial SST or simply continue development work is not yet upon us. The issue now is whether to keep open our options by building the prototypes, or drop out altogether. Clearly we must build.

OUR NATIONAL FOOD SCANDAL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. WOLFF. Mr. Speaker, the past 2 days I have included in the RECORD statements received at a hearing my colleague from New York (Mr. BIAGGI) and I held in New York last week on fad diets, diet pill abuse, and nutritional safety. Today I would like to include the third set of papers received at the hearing:

OUR NATIONAL FOOD SCANDAL

(Testimony of Catharyn Elwood, Manhattan, N.Y., Sept. 8, 1970)

I am Catharyn Elwood, a nutritionist from Washington, D.C. During my life-long passionate crusade for pure, whole, highly nutritious foods I have lectured widely throughout the United States, in Canada, taught classes in nutrition and written articles as well as my popular selling *Feel Like A Million*, now in paper back.

The world, as well as the university, has been my classroom. I've searched for and found health resorts and spas where food is used as medicine and the sick and incurables made well. My last study was behind the iron curtain with the American Public Health Association investigating their methods of healing and uses made of food as therapy. I found that while Russian diets too are becoming more sophisticated they do not have the problems of poison sprays, additives or so much refinement. I found large assortments of freshly milled grains at all markets. They were also applying the newer knowledge of nutrition for each hospital patient gets 100 mg of Vitamin C with his 6 A.M. fruit juice.

After 40 years of serious concern and study I am convinced that modern man with his inability to leave well enough alone has

created his own suffering by destroying his foods just as he has created his polluted environment by upsetting the natural balance in nature.

Man has made three devastating destructive assaults on our food in his food-technology binge in the last 200 years. They are: 1- refining and processing (especially of our carbohydrates—our starches and sugars); 2- polluting the foods with poison sprays; 3- changing the foods with chemical additives that deceive the consumer. Today we will concern ourselves with the first one only. It is the very beginning of Our National Food Scandal.

Remember that malnutrition is hidden like an iceberg. The damaging, dangerous two-thirds is unseen. It destroys without our knowing. Each bite of refined deficiency or fraud foods adds to the deficit until the hidden hunger accumulates into a silent sickness. It may take months or many years before the tooth aches or other degeneration makes itself felt. Then it is often too late to repair the damage and one or several of our common modern diseases caused by deficiencies are entrenched for the rest of our life. By 60 years of age we almost all have an average of 6 miseries plaguing us and often is excruciating combinations too, including hypertension, arthritis, diabetes, heart disease, cystitis, liver involvement, colitis, emphysema, hypoglycemia, asthma, and all the rest. Most everyone is wearing dentures or bridges or needs them. We are a mess healthwise.¹ Here is Dr. Chersakin's chart showing the increase in the amount of refined sugar we are eating 100 percent between prewar and 1958). It is the chief health offender.

Today we hear the cry everywhere for more and more protein. Of course we are malnourished for proteins. But the second cry is always "low" or "no" carbohydrates—this is where either ignorance or deception lies for unrefined carbohydrates offer fine amounts of protein if they are properly grown. Wheat germ for instance has twice as much protein as turkey.²

Our refined, emasculated grains have lost so much of their life-creating and life-sustaining values they have literally become a "dirty word" in nutrition circles. They must have all their nutritive values returned—the proteins, the rich Vitamin B complex, Vitamin E, the trace minerals that are responsible for hormone production and all the rest.

People do not know the possible health values of wheat, rye, barley and other grains and what fine nutritional health they have provided the world of grain eaters for centuries. If so they would demand that we "grow them right." For instance wheat from our once virgin soils averaged 18 percent protein. Today, the soils being what they are, it is only 8 to 12 percent. Dr. Albrecht has shown us how to husband the soil so wheat provides 32 percent protein.³

Nutritionists know the score. During the International Dietetics Conference in Washington last September, I asked Dr. Jean Meyer, the famous Harvard University nutritionist: "How can the United States possibly even hope to make headway in improving the health of her people when such deficiency foods as white sugar, corn syrup, white flour products, macaroni, spaghetti, white rice and all refined products still appear on diets and menus everywhere? You and I know that experiments with animals show that when they are fed these refined foods they become crippled, sterile, ill and die young. Right here at this dietetic conference, I am amazed and shocked to see that these disease causing foodless foods are still recommended in the diets and menus for children in the Head Start program."

Dr. Meyer replied: "... unless people learn a great deal more about nutrition, we are going to have difficulties... I think there is really no simple answer to your ques-

tion except that this is what the profession of dietetics is all about." (applause)

Indeed this is what the profession of dietetics is all about. And the cheating foods we sincere honest nutritionists would outlaw are still recommended in the "basic four" which is to be revived and sold again as the safe food way to health by our government beginning this month. They are largely responsible for the following shocking facts of degeneration.

1. Did you know that the United States ranks 25th in male life expectancy? This was the very bottom of the 25 countries reporting. A man born in Sweden would have a chance of living five years longer than in the USA?⁴

2. Did you know that the United States again hits rock bottom, number 18, with the highest infant mortality rate?⁵ This means that if the 40,000 infants who died in the United States in 1969 had been born in either the Netherlands or in Sweden they would be alive today, and undoubtedly thriving.⁶

3. Did you know that cancer (leukemia) is still the first cause of death among children under 14 years of age?⁷

4. Did you know one in every three children in the United States under six years of age suffers from anemia?⁸

5. Did you know that 10,000 persons die of starvation every day in the world, that untold millions suffer from malnutrition and diseases attributable to malnutrition?⁹

6. Did you know that we do not have enough doctors, nurses or hospital beds available in the United States to accommodate the millions who are suffering from the degenerative ailments caused by foods that are sold as nutritious? This shortage hits the mentally ill too. Dr. Irving Phillips says 1.4 million children need psychiatric care but less than 500,000 are getting it.¹⁰

7. Did you know we have a total \$50,000,000,000 health (sickness) cost? That six billion dollars are spent for drugs and 12 billion for medical doctor industry and that the 106 billion dollar food industry actually supports the first total.¹¹

8. Did you know that what is described as "enrichment" of foods is the "greatest fraud ever perpetrated on the American people"? For example when wheat is processed into white flour to make bread, cakes, donuts, pastas, etc. most of the vitamin B complex, Vitamin E, proteins, unsaturated fats, and minerals are lost? And that when food firms "enrich" foods they only put in four or five chemicals to replace some of the 60 or more nutrients lost in the processing?¹²

9. Did you know that ill-chosen foods are directly or indirectly responsible for 10 million pain-racked arthritics, 40 million obese, and 27 million (over 20 years of age) who are afflicted with degenerative heart disease? Plus all the other life-degrading afflictions of our 90 million chronically ill?¹³

10. Did you know that our degenerative conditions are increasing 90 percent faster than our population?¹⁴

11. Did you know that epilepsy costs over 1 billion a year and only 1 in 4 can work. That it is increasing alarmingly and is four times as common as cancer?¹⁵

12. Did you know that most of our country's two million alcoholics would never have become interested in any form of liquor if their diets had been adequate in vitamin B complex?¹⁶

13. Did you know that most delinquents and criminals are malnourished, and that their crimes are associated with low blood sugar, a condition traceable to the use of sugars in ice cream, candy and pastries, soft drinks and hidden in most food products today?¹⁷

14. Did you know that paranoid, psychotic and schizophrenics are being restored to more normal living by supplying them with the nutrients lost in food processing?¹⁸

15. Did you know that in the USA one in

14 babies born are deformed while only 1 in 116 are born deformed in India?¹⁹

16. Did you know a survey showed that only 60 percent of the households in the United States had good diets, but that in 1965—10 years later—the percentage had dropped to 50 percent. Every food survey since 1880 has shown an increasing lowering of good eating habits because of the increasingly lowered quality of nutrition in foods?²⁰

17. Did you know that a report that stunned the nation in 1969 stated that 96 percent of the children 10 years old in one group had an average of 10 teeth either decayed, filled or missing? Five percent of the children needed immediate dental attention? It is estimated: 700 million teeth in the United States today need dental repair.²¹ [See Page 21.]

18. Do you remember the figures of the draft scandal? Thirty percent of our most representative young men were rejected as unfit for World War I and II. By 1964 this had doubled with a 58 percentage unfit. Doesn't this sound like a food scandal to you?

Doesn't this sound as if we needed emergency action—a real food revolution?

FOOTNOTES

¹ E. Chersakin M.D., Diet and Disease, Rodale Press, p. 15.

² USDA Handbook No. 8, Composition of Foods.

³ Feel Like a Million, Elwood.

⁴ Demographic Yearbook, 1965, published by the Statistical Office, UN.

⁵ United Nations Statistical Office, Dec. 1, 1969.

⁶ Walter P. Reuther—Health Care Crises American Journal of Public Health, January 19, 1969, Vol. 59, No. 1, p. 12-20.

⁷ C. Elwood, Feel Like a Million, Simon & Schuster.

⁸ Arnold E. Schafer, Senate Select Committee on Nutrition and Related Human Needs, Jan. 22, 1969.

⁹ Hunger USA.

¹⁰ UP 8/26/70 Washington Daily News. U. of Calif. Langley Porter Institute.

¹¹ John J. Miller, M.D. Preventive Medicine and Applied Nutrition Jr. of Applied Nutrition, Vol. 21 #1 & 2 1969.

¹² E. V. McCollum. New Knowledge of Nutrition. Fifth Ed. McMillan.

¹³ Miller (op cit).

¹⁴ Silver, Frank Archives of Env. Health Jan 65 Vol 10 pp 131-133.

¹⁵ Epilepsy is America's Concern, Epilepsy Foundation, Washington, D.C.

¹⁶ Williams, Roger, J. Nutrition & Alcohol, Univ. of Oklahoma Press 1951.

¹⁷ Judge Tom Blain Mental Health Through Nutrition. Citadel Press 1969.

¹⁸ Tom Spies, M.D. Rehabilitation Through Better Nutrition. Saunders Co. 1957.

¹⁹ Plain Truth What You Should Know About Birth Defects, June 1969.

²⁰ USDA Ag Research Service Jan. '68, Reporting on Survey of Dietary Levels of Household in USA Spring '65.

²¹ Arnold Schaefer Status Reports, pg. 15 op. cit.

STATEMENT OF DR. MORTON B. GLENN

Gentlemen: I am here at the request of the Honorable Lester L. Wolff. I am a practicing physician in the City of New York. I earned my M.D. degree from New York University and had my internship and residency training in internal medicine at Bellevue Hospital.

In addition to my practice, I teach at New York University College of Medicine, and hold various hospital appointments. I am in charge of a Nutrition Clinic of the New York City Department of Health. I contribute to various professional and lay publications. I am a consultant to many diet clubs. I am a Fellow of the American Public Health Association, a member of the Ameri-

can Medical Association, as well as a member or fellow of many medical and scientific societies. I am also the author of a book on weight reduction entitled *How To Get Thinner Once And For All*. I am mostly concerned with obesity, which I consider the nation's most important public health problem today, and with the need for better nutrition education of the American public.

I have been asked to testify on the matter of fad diets. Fad diets are methods of eating that capture the imagination of many people for passing periods of time. The promise of the special diet usually falls into one of five areas: as a cure for a specific malady such as arthritis, cancer, or circulatory disease; as a prevention of the development of certain diseases such as the common cold; as a treatment of sexual inadequacy (real or imagined); as a general panacea for unending good health and longevity; and lastly as "a sure cure" for obesity.

The fad diet is the diet found *outside* responsible medical theory, proposed often by word of mouth of those without reasonable scientific background, and often by those whose sole goal is commercial profit. Diets do play a significant role in maintaining good health and controlling diseases. Properly constituted diets are part of the preventive and therapeutic armamentarium of modern medicine, but responsible medicine avoids rash promise and restricts itself to reasonable assurance.

The food myths that are handed down from generation to generation are gradually dissipated by education, and though undesirable, rarely represent a significant health problem. The fad diet, the diet based on false presumptions and unrealistic promises, often presents a true threat to the health of the individual. The threat may take more than one form. An individual may give up a good nutritional practice for one which will deprive him of essential nutrients with consequent health deterioration. I have seen individuals avoid proper care and fatally delay getting medical attention because they were relying on a fad diet to cure an illness!

In the field of weight control there are ample statistics to show that the obese individual has a shortened life expectancy and a higher incidence of serious disease. There are probably forty million overweight adults in this country, plus another ten or fifteen million who are concerned about becoming overweight. Added to this is another ten or fifteen million persons who are not overweight but who are concerned about members of their families who are overweight. This represents a population group of almost 70,000,000 Americans who are attentive to dietary appeals. Of the large number of people concerned with overweight, most accept the need to diet, but few have adequate knowledge of either food values or nutritional requirements. They are therefore quick to accept a fad diet, especially if that diet seems "easy." If this diet is ill conceived and lacks the proper nutrients, the danger can be enormous. Diets tried by millions of people, and millions are realistic numbers in weight control, are bound to include subjects whose health is not strong enough to withstand nutritional quality deprivation.

Some fad diets may appear to be innocuous on the surface, but if they are ineffectual and give merely false hope, the delay that results may be the difference between a longer and a shorter life expectancy for the obese individual. The fad diet presents its danger always by false hope, frequently by unnecessarily delaying achievement of goals when time is a significant health factor, and too often by presenting a diet whose lack of full nutritional value results in a direct detrimental effect.

The control of fad diets is through education of the public. It is the replacement of fantasy and wishful thinking with nutritional reality and understanding. Leader-

ship in this area of education must of course come from those best equipped to give it: the teacher knowledgeable in nutrition, the physician, the dietitian, and the public health nutritionist.

How many high school principals can look at their graduating class and say these children are as conversant with what to eat as they are with what to wear? I doubt that there are many. How many medical school deans are there who honestly feel that their graduating seniors are equipped to tell the graduating high school seniors how to construct a good diet. I daresay very few. There are few medical schools who give adequate courses on clinical dietetics to their students. *De facto* leadership in nutrition education for the public has been abrogated by those who should be responsible for this leadership. Leadership of the public in this area has too often been given, by default, to the quack and to the unscrupulous who do not mind making money on the fears of the nutritionally uninformed. We have innumerable diet clubs and groups that must serve millions of Americans, that perform an important and needed function, yet how many have qualified, professional leadership?

The need then is for our school systems to recognize the importance of increased nutrition teaching. Could not the government provide the incentive to put this in effect? The need is for medical schools to include clinical dietetics in the curriculum. Could not the government provide incentive to put this into effect? Should not the government insist on responsible professional leadership for diet clubs? Professional leadership in this area would multiply and insure the benefits of these organizations. Medicare and Medicaid programs are encouraging the use of ambulatory facilities, yet no provision is made to pay for the supply of nutritional care and advice. The busy physician should be encouraged to send his patient to competent dietitians for nutritional instruction and advice, but those individuals who receive assistance to pay for the cost of other medical care should receive equal consideration for their nutritional care.

The time has come for us to recognize the fad diet as a true pollutant of the national health, generated by invention but erasable by education. The time for this nutrition education is now. Government should provide the incentive for this nutrition education as the only true answer to this problem. It is equally important that the government provide weight to the concept of the importance of nutrition education by including responsible nutritional services as an intrinsic part of paid medical care in federally supported ambulatory medical services.

STATEMENT OF MRS. EULA BEE CORBAN, ASSOCIATE PROFESSOR, NUTRITION, HOME ECONOMICS DEPARTMENT, QUEENS COLLEGE, FLUSHING, N.Y.

I thank you, Congressman Wolff, for the opportunity to speak to the problem of fad diets, food myths, and diet pill abuse.

I speak as a former dietitian and now a nutritionist and teacher of dietitians at Queens College of the City University of New York.

Reducing, as we all know, is very difficult. The only thing harder is gaining—surprising as that seems to us who are overweight.

Short term reducing can be accomplished through many avenues or gimmicks: some of which are very popular, some of which are costly, some of which are dangerous to our health.

These avenues or gimmicks include: off-beat diets of many sorts, most of which have nutritional deficiencies, pills to reduce appetite, pills to increase metabolic rate, even steam baths which reduce us for the moment—in loss of body moisture.

Also widely used but used in vain are various foods which have or claim to have low-

ered calories. All I have priced are more costly than the standard item. Among these are the foods with added cyclamates or saccharin.

Successful weight reduction is permanent weight reduction, and there is no easy or magic way.

This necessitates a change in eating habits—permanently. This means we must live without the over-eating we have been doing. That is: if we like pastry—we must learn to avoid it or eat it only rarely, if we like fried foods—again learn to avoid them or eat them rarely, if we like between-meal snacks, we must learn to avoid them or select only the calorie-free items and those not sweetened with sweeteners.

It is my conviction that if we like sweets, we must either avoid them or eat less of them. This includes sweetened drinks, sweetened tea, sweetened coffee. Cyclamates and saccharin are no alternative—they just keep us yearning for the real thing—and we will eventually go back to the real thing, gaining the weight again.

I believe that: diet foods are too generally available, many items are labeled "diet" foods or "low calorie" foods which are not really so. These should be prohibited or supervised more closely.

Even the diabetics are happier in the long run if they eat foods from the regular menu, but within their diet prescription.

Present diet aids for reducing tend to reduce only the pocket book.

The comedian who said: "I've been reducing for a year now; naturally I am 15 pounds heavier" was only too right.

In my opinion, these items—fad diets, reduced calorie items, diet pills, etc. need to be controlled much more than they are at present, and need to be less available and less tempting to the general public. Indeed, I am overwhelmed by the quantities of these foods with additives which are available today, and which are widely used by both children and adults.

It comes back to the old saw: the best exercise for reducing is pushing yourself away from the table.

WILL THE REAL FOOD FADDIST PLEASE STAND UP?

(Statement of Miles H. Robinson, M.D.)

Mr. Chairman, you have offered me the opportunity to express my views on "fad diets," and on what I think should be done to correct abuses associated with them.

An expert FDA witness at the recent FDA Vitamin Hearings testified that he believed the number of food faddists in the United States was "very small."¹ But let us ask: Is a fad, dietary or otherwise, necessarily good or bad?

The dictionary defines a fad as a custom, style, etc. that many people are interested in for a short time; passing fashion, craze, or hobby.² Since hobbies may be worthwhile, the term is somewhat ambiguous as to the value of a fad.

This is definitely the case with fad diets. The Australian champion swimmer, Murray Rose, was raised on what might be called a fad diet. It was devoid of meat and placed special emphasis on "four magic foods": seaweed, rose hips, yeast, and wheat germ oil. He won 6 Olympic medals, 4 of them gold.³

The leadership of the Food and Drug Administration and the American Medical Association in their public pronouncements about food fads do not go by the dictionary. To them, food faddists are generally all lumped together with quacks, and accused of "attacking the quality of our foods and the quality of medical care in this country."⁴

I notice that the preceding speaker, Dr. Glenn, similarly regards all fad diets as completely unscientific. I did not hear him say some fad diets are bad or good.

¹Footnotes at end of article.

He also said persons should go only to physicians for nutritional advice. Like him, I am also a physician and member of the AMA, but sworn testimony of FDA witnesses at the recent FDA Vitamin Hearings should make us cautious about claiming a monopoly on nutritional knowledge:

Q. [to Dr. Hodges, Professor of Internal Medicine at University of Iowa Medical School] "Is it your opinion that the average physician knows little about vitamin deficiencies, Doctor?"

Dr. HODGES. "Yes, sir."⁶

Q. [to Dr. Lowe, Director National Institute of Child Health and Human Development (NIH)] "Do you believe it is pertinent information to a pediatrician to know the role in the nutrition of an infant of each of those nutrients in the table?"

Dr. LOWE. "I would have to say most pediatricians and many scientists are uninformed on the role of each of these in nutrition."

Q. "Do you think they should be informed?"

Dr. LOWE. "In an ideal world."⁷

Q. [to Dr. Schaefer, Director of HEW's National Nutrition Survey] "Based on your experience and your knowledge, would you consider hospital records a good indicator of the status of a given individual with respect to the sufficiency of his level of the various essential vitamins and minerals?"

Dr. SCHAEFER. "Normally this is not done . . ."⁸

Dr. SCHAEFER. ". . . In the context of the American population we consider the prevalence that we have found, the biochemical findings [of vitamin deficiencies] as extremely high, alarming, use whatever term you wish."⁹

Dr. SCHAEFER. "I don't think the onus can be placed just on the public health authorities. Let me point this out. I would be amiss if I did not indicate that there has been less and less recognition of the problems of malnutrition."¹⁰

"Most physicians are not really equipped to evaluate their patients' nutritional status and nutritional needs. . . . Very little nutrition is taught in most medical schools."¹¹

" . . . a large proportion of the medical profession [is] inadequately trained in nutrition, with no more than a small percentage of physicians having had much of any nutritional training in our medical schools. . . ."¹²

In the White House Conference on Food, Nutrition and Health, the panel on Nutrition Teaching and Education chaired by Grace A. Goldsmith, M.D., Dean, School of Public Health of Tulane University, confirmed the handicap physicians have had in their nutritional education:

"The teaching of nutrition in schools of medicine, dentistry and nursing is most inadequate at the present time; in some schools it is almost nonexistent. . . . The number of specialists in nutrition among physicians, dentists and nurses is very limited; a few hundred persons [in a nation of 204 million] would be an optimistic estimate."¹³

"(a) No objective assessment of the nutritional knowledge acquired by medical students has been made. (b) Sufficient nutritional questions do not appear on National or State Board examinations to provide a fair test of nutritional knowledge."¹⁴

A major reason for inadequate nutrition education has been FDA-AMA insistence that the superlative quality of American food

makes malnutrition only a remote possibility. The chief architect of FDA's proposed and very restrictive vitamin regulations, Mr. Weissenberg, testified that even a food faddist would get his vitamins and minerals in sufficient supply if he shopped in a grocery store stocked with fine foods,¹⁵ but in a health food store he would be "grossly misled" by anything he bought there.¹⁶

FDA's chief nutritionist, Mr. Boehne, acknowledged that people who want food as close to the natural state as possible are not food faddists, but if they want vitamin supplements as natural as possible, then he considers such people faddists.¹⁷

In this climate of prejudice, ambiguity, and professional ignorance, good judgments about the benefit or harm of so-called fad diets are very difficult to make, especially when no specific analyses of the diets are made, which is usually the case.

To clear this away somewhat, let us for a moment take a long view of man's dietary history. Keeping in mind the "short time" criterion of a fad, what is a short time in the dietary habits of man?

Humanity has been on the diet of the Patriarchs of the Old Testament thousands of years longer than on our modern 20th century diet. In the Negev Desert today, the simple diet of the Bedouins is very much the same as in Biblical days. It is primarily unleavened whole wheat bread ("rarif") with small amounts of porridge, milk, eggs, vegetables, fruit, and rarely meat. An Israeli medical school team recently found that obesity is rare, the average cholesterol of these Bedouins was very low (155 mg. %), and only one case of myocardial infarction (in a seventy-year-old man) was found among 510 men thirty years of age and older.¹⁸

Ancient peoples and their remnants today—like the Bedouins—are the real dietary conservatives. The radical food faddist is the average American of the last fifty years or so, eating mass-produced food, from which great quantities of vitamins and minerals have been lost or deliberately removed; and to which great quantities of irrational, non-nutritive, and even poisonous chemicals have been added.

In AMA's journal, *Today's Health*, Harvard nutritionist, Dr. Mark Hegsted, is quoted saying that "far too many snack foods are available today which qualify as junk nutritionally,¹⁹ and snack foods occupy a prominent position in the diet of American youth and poor."²⁰

The average American, suffering severely from rampant cardiovascular disease, especially high blood pressure and sudden, early heart attacks²¹ which we now know are related to diet,²² qualifies magnificently as a "short time" food faddist on the full scale of human history.

It seems to me that the majority of so-called food faddists today have become dissatisfied and suspicious of what the FDA and AMA call the normal American diet. They are determined to try something new, and especially to reach back to more natural food and re-establish a safer relationship with nature, originally established by the evolutionary sieve through which man has come during the last one or two million years.

One of the eminent non-FDA witnesses at the Vitamin Hearings testified that as our detection techniques continue to improve, we may never come to the end of the now secret nutrients in natural foods which we need, and which protect [and give the highest fulfillment to] our lives.²³

From a nutritional standpoint, the bond between man and nature is both astonishing and profound. Man in his own body can manufacture untold thousands, perhaps millions, of extremely complicated enzymes, antibodies, and other chemicals out of oxygen, water, minerals, protein, carbohydrate, and fat. Yet he cannot make two dozen or so essential amino acids, unsatu-

rated fats, and vitamins, some of them very simple in structure. He depends on other living things to make these for him. All the higher animals and many of the lower ones have their special pattern of these nutrient dependencies, usually different from man's.

I believe these peculiar dependencies, upon other living organisms, for vitamins and other subtle substances, have a special survival value for man (or any species). They bind us, perhaps more powerfully than in any other way, to other animals, plants, and the world organism as a whole. They guarantee our close contact with our environment. They offer us not only optimum health; but also, by our need for them, protect us from the disorganization and impairment of the pattern of living things in the world essential to the optimum health of all.

The more subtle nutrients on which we depend, like a canary in a mine or a lookout on a mountain, the more intimation we can have of hazard or of promise. Like Antaeus in Greek mythology, we can be conquered only if we are held up in the air out of touch with Mother Earth.

It is in this kind of framework which I think we must view both so-called normal and fad diets. Man now lives on a knife edge (which we should widen into the former plateau) between the profound nutrition he needs from environment, and the profound poisons he must avoid.

It is thus no accident that the Food and Drug Administration has been in great turmoil in recent years. FDA is simply at the scientific focus in our government where the most powerful forces affecting man's health collide: where man's independence and arrogance (not simply his private enterprise, but also his tendency to live carelessly) clash with man's dependence and his desperate need to cooperate with Nature and the world as a whole.

The FDA, as guardian of our food, has been very reprehensible with respect to sponsoring and imposing the wide use of really harmful fad diets. For twenty years, it surrendered to the cyclamate (artificial sweetener) interests, and promoted one of the greatest fad diets in history: the use of cyclamate-containing foods to reduce over-weight.

Until public pressure recently forced a total ban in this country, American consumers were ingesting 8,000 tons of cyclamates every year.²⁴ In cross examination of FDA witnesses at the Vitamin Hearings, we brought out that the whole idea of this fad is irrational in the first place, because it is of first importance that over-weight persons acquire self-discipline in the resistance to sweet tasting substances. Whereas, the sweet taste of cyclamates completely frustrates this acquisition.²⁵

Not only did the FDA promote the irrational and dangerous fad of cyclamates for reducing, but an FDA pathologist, Dr. H. L. Richardson, charged that FDA suppressed and altered the warning reports about cyclamates of its own scientists without their knowledge.²⁶ Recently, another FDA pathologist, Dr. Kent J. Davis, made new charges that high FDA officials had altered or misrepresented scientific data in order to support other FDA positions.²⁷

In the FDA Vitamin Hearings, we found that when the FDA wanted to promote cyclamates for obesity, obesity was not a disease.²⁸ But when FDA wanted to deprecate the need for vitamins, it declared that one ought to have a medically diagnosed disease as a prerequisite of taking vitamin supplements routinely.²⁹ According to the FDA, all people without a specific disease are "Just the average ordinary person[s] without ills"³⁰, and they should not take vitamins. These are the kind of maneuvers by which FDA opens the door for special interests, and shuts the door on the public's right to ensure itself against malnutrition.

Other fad diets promoted by the FDA on

Footnotes at end of article.

behalf of food processors include toy food sets for children which could not be molded into desired forms by children if made with sugar instead of cyclamates; cyclamates in certain mixers for alcoholic drinks; and a chocolate-flavored ice cream soda mix which would be difficult to keep frozen if its intense sweet flavor were gained by the use of sugar instead of cyclamates. These constituted three out of the four examples volunteered by the FDA at the Vitamin Hearings to justify a food-technological need for cyclamates.³¹

A tremendous food fad, which is a prominent cause of tooth decay³², and strongly implicated in cardiovascular disease and associated obesity³³, is the widespread adulteration of all kinds of foods with sugar. This can be used commercially to conceal the nutritional and other inferiorities of many foods³⁴, and to increase food consumption by pandering to the human sweet tooth.

Recently, the excuse was made that the reason widespread American vitamin deficiencies were not discovered sooner was because overconsumption of food and obesity seemed to be our most important problem:

"Increases in food productivity, developing affluence, reduction in physical activity, lack of nutrition education and other factors resulted in widespread obesity of varying degree. This, in turn, led to a general feeling by many workers that our most important nutritional problems were those caused by over consumption. A comprehensive study of the nutritional status of our own population was not undertaken."³⁵

That such a shallow conclusion should have been drawn by scientists in this day and age deserves only one comment; the blind have been leading the blind.

The FDA has power to act against the wholesale sugaring of food under its regulations forbidding adulteration to conceal inferiority,³⁶ but neglects to do so.

Equally, or more serious, is the food fad of eating emasculated bread and other cereal products, of which the FDA again has been guilty by negligence. Practically all the vitamins, three-quarters of the iron, and two-thirds of the calcium and phosphorus are removed or destroyed in the vast majority of all these products.³⁷ These removed nutrients are then fed to livestock for the great benefit of the animals' health.

Eminent scientists at the Vitamin Hearings were gravely concerned about this,³⁸ especially since only three of the eight known vitamins and the iron are replaced under the so-called "enrichment" program, which is mandatory in only 20 states, and does not apply to most bakery products other than bread.³⁹

According to a recent article in the AMA journal, *Today's Health*:

"Many years ago [emasculated] bread and flour were chosen as vehicles for added nutrients ["enrichment"] because, at that time, most of us were getting 40 percent of our daily caloric intake in bread. Now, consumption has declined to the point where we are eating only half as much bread as we did 30 years ago. The sale of products made with enriched flour has hit an all-time low. To make matters worse, when we do buy bakery products, we frequently choose the "convenience" types, and most of these are made with flour that is not enriched."⁴⁰

We may well ask if an important cause of the decline in bread consumption is not its modern formula of more than 70 chemical additives variously added⁴¹ and most of the vitamins removed, which destroys both its original taste and nutritive value.

With regard to the foregoing really serious food fads, the hypocrisy and almost criminal indifference of the FDA was well shown by its chief nutritionist, Mr. Boehnie, at the Vitamin Hearings, who testified on the one hand that "it is nutritionally immaterial what type of bread, if any, is used" by the

public; and yet elsewhere volunteered that the enrichment of hamburger buns (which is seldom done, at least in this part of the country) would help the [deplorable] nutrition of teenagers "immeasurably."⁴² Our military services require that all flour be enriched.⁴³

We could cite many other examples of FDA's toleration and active connivance in widespread and harmful food fads: the insidious salting of food, especially baby food, which is strongly implicated in the major cardiovascular disease of hypertension;⁴⁴ the secret content in soft drinks of large doses of caffeine; the content, often secret, of immense quantities of artificial colorings, flavorings, and other additives which are essentially unnecessary and actually or potentially harmful.

We certainly cannot expect the FDA to make us eat and drink properly. But we can demand that the FDA make this more possible, and stop its indiscriminate prejudice and invective in the field of food supplements and what it is pleased to call food fads.

The truth of the matter is that in nutritional matters, the FDA has tried to divert attention from the great and often unjustified favors it does for the food, medical, and drug industries, by raising a great hue and cry over alleged "food faddists" who reject the food fads sponsored by the FDA, and are trying to re-establish some kind of diet which will bring them better health. The mistakes people make on their own appear to be slight, compared to those made by the FDA.

Reforms which would improve the diet of Americans are not so difficult as might appear. There is a bright side to the picture, and good things are already being done.

There are many in the food industry who have the best interests of the country at heart. The difficulty is that in our admirably vigorous and competitive society, no companies—and few FDA officials for that matter—can afford in their policies or food products to jeopardize their competitive position and go beyond what people will support and buy.* Was it not Thomas Jefferson who observed that reform can move but a little way ahead of the will of the people?

Second, the spotlight has been turned on FDA's frailties in recent years, and the resultant education of the public and flow of information in the field of nutrition is the harbinger and the *sine qua non* of progress.

Third, the powerful circumstance of world wide pollution is now upon us, and this drives public opinion to know and to care about the knife edge on which we live, between what we need to extract from the environment, and what is dangerous for us to absorb from it.

The most urgent and basic reform of the FDA is a reasonable opening up to the public of FDA's scientific files, upon which its decisions in the field of food and drugs are based. I doubt if any other reform can substitute for this.

As things stand now, impartial scientists in the public at large are forever barred from seeing the scientific data upon which the FDA makes its marketing decisions that determine billions of dollars of profit for the industries which it controls. FDA rigidly enforces this policy of secrecy against outsiders, under the principle of protecting private enterprise, and in order to maintain the immense privilege of FDA officials quietly hinting at or dispensing this invaluable information to their cronies in industry.

Not even U.S. Congressmen, but only the staff of an appropriate Congressional Committee, and presumably the White House, have the privilege of looking at FDA scientific files. Even then, as I know from examining them for over a year, FDA officials sometimes shuffle documents around among

their duplicate files, and make the examination as difficult and unproductive as possible. Of course, unless the Committee holds a hearing, statutory law and Congressional Rules forbid the publication of anything so examined. The Senator for whom I did this work lost his election before he could hold a hearing.

All FDA secrecy is legally based on a trade secret provision in the Food, Drug and Cosmetic Act [21 USC 331(j)] intended at the time to cover only "methods and processes," presumably chemical in nature. Some time ago, the FDA arbitrarily extended this to cover every bit of information—experimental, clinical, etc.—submitted to the FDA. The Freedom of Information Act did not relieve but rather reinforced the rigidity of this situation.

The need to see chemical trade secrets practically never comes up. It is all the other data—the good and bad effects of a food, drug or cosmetic—which the public has a right to know sooner or later, without requiring a massive Congressional hearing to get it.

I know of one eminent FDA scientist, Dr. John O. Nestor, who advocated the release of scientific information as long ago as 1967,⁴⁴ and I am sure there are a good many others in the agency who agree.

The FDA is the greatest depository of food, drugs, and related health data in the country. It is wrong to keep it permanently secret. If the FDA has good data on the harm of fad diets, let us see it. After a new food or drug comes on the market, if not before, let the public see the scientific data on which FDA approval was based. Just as publication in scientific journals insures the quality of academic work, so will access to FDA data insure the quality of FDA decisions, and restore confidence in the FDA.

A second reform would be to increase the nutritional and other information on food [and drug] labels.⁴⁵ Let people know there are practically no vitamins in the ordinary hamburger bun. If people want to eat foolishly, let them do so under no delusions. Some might change their mind.

Incidentally, the recent ingenious defense of nutritionally bankrupt breakfast cereals—that their deficiencies are made up by milk and the rest of the meal—is very mischievous. I call it the "pass the buck" theory, in which optimum nutrition for a given vitamin is always one jump away in the next food. The basic error of this is that we must inevitably eat an unnecessarily greater quantity of emasculated food, and risk all the hazards of over-weight—in order to get the vitamins and minerals we need, not to mention being driven to overeating by the hidden hunger for vitamins.

It may also be very important for optimum health that we have the appropriate quantity and form of a vitamin or mineral right with the food to which it naturally belongs, at the very moment when all the nutrients of that food pass fantastically through the intestinal wall and proceed to their moment of truth in the liver.

In conclusion, there is nothing wrong with American food habits, or American food, or with the FDA, which cannot be repaired by the careful application of the democratic principles on which this country was founded. We stand for the free flow of information in an open society, fair treatment for all, and objectivity in scientific matters. As the ancient Athenians so brilliantly taught all who came after them, it is the free flow of information between citizens which primarily engenders and makes possible democracy and the noble condition of man.⁴⁶

FOOTNOTES

- ¹ FDC-78, Transcript 10,252.
² Webster's New World Standard Dictionary, College Edition, 1966, p. 521.
³ Ian P. Rose, *Faith, Love, and Seaweed*, Prentice-Hall, N.Y., 1963, pp. 7, 23, 142-153.

⁵FDA official K. L. Milstead, speech to Yonkers Academy of Medicine, Yonkers, N.Y., May 16, 1962, pp. 6, 12.

⁶FDC-78, Tr. 3092.

⁷Ibid, Tr. 12, 791.

⁸Ibid, Tr. 21, 476.

⁹Ibid, Tr. 17, 780.

¹⁰Ibid, Tr. 17, 461.

¹¹Ibid, written direct testimony of Sheldon Margen, M.D., Professor of Human Nutrition, University of Calif., Berkeley, Calif., p. 10.

¹²Ibid, written direct testimony of M. K. Horwitz, Ph. D., Professor of Biochemistry at St. Louis University Hospital.

¹³Panel Recommendations to the White House Conference on Food, Nutrition and Health, November 1969, Panel IV-2, p. 10.

¹⁴Ibid, Appendix C, p. 2.

¹⁵FDC-78, Tr. 9404.

¹⁶Ibid, Tr. 13, 314; 13, 324.

¹⁷Ibid, Tr. 5543.

¹⁸J. J. Groen et al, Nutrition of the Bedouins in the Negev Desert, *American Journal of Clinical Nutrition*, 14: 37-46, 1964, pp. 45-46.

¹⁹J. L. Breeling, *Today's Health*, January 1970, p. 50.

²⁰Panel Recommendations to the White House Conference on Food Nutrition and Health, Nov. 1969, Panel VI-A-2, no. 21.

²¹Jean Mayer, Director of the White House Conference on Food, Nutrition, and Health: "Our No. 1 cause of death is cardiovascular disease. We had 1 million cardiovascular deaths last year, of which three-quarters were coronaries." *U.S. News and World Report*, October 20, 1969, p. 62.

²²Ibid: "... hypertension [is related] to national habit of excessive salting of the diet . . . a diet high in saturated fat is conducive to hypercholesterolemia . . . correlated with an increase in coronary disease. . . ." *Journal of American Dietetic Association*, 52: 13-20, 1968, pp. 15, 18.

²³FDC-78, written direct testimony (WD) of Dr. Benjamin E. Ershoff, p. 8.

²⁴*Science News*, October 26, 1968, p. 428. The FDA official who testified on cyclamates, Mr. Moses, said, "I am not aware of any tremendous increase in the use of sweeteners." (FDC-78, Tr. 19, 953).

²⁵FDC-78, Tr. 20, 919-20, 929; 21, 782; 21, 847; 21, 899; 21, 900; 21, 985; 21, 991; 22, 068; 29, 888.

²⁶*New York Times*, May 1, 1970; *Washington Post*, May 7, 1970; *Medical World News*, May 29, 1970, p. 41.

²⁷*Food Chemical News*, August 17, 1970, pp. 29-30.

²⁸FDC-78, Tr. 20, 930.

²⁹Ibid, stayed regulation, Sec. 80.1(f).

³⁰Ibid, Tr. 8778.

³¹FDC-78, WD-G-Moses, p. 15.

³²*Journal of the AMA*, 141: 999, 1949.

³³Jean Mayer, *Forbes magazine*, October 1, 1969, p. 66: "... the pandemic of cardiovascular disease . . . results from, one, lack of exercise; two, prevalence of obesity; three, diet of saturated fats—with some effects from sugar; and four, cigarettes and lack of sleep."

John Yudkin, Professor of Nutrition, University of London, *Nutrition News*, 32: 9-11, October 1969, p. 9: "There is now quite strong evidence that dietary sugar—sucrose—is an important factor in the etiology of coronary heart disease."

³⁴FDC-78, Tr. supra and 21, 970; 23, 052.

³⁵George M. Briggs, Chairman, Department of Nutritional Sciences, University of California, Berkeley, *Jour. of Nutrition Education*, 1: Supplement 1, Fall, 1969, p. 40.

³⁶FDC Act, sec. 402(b).

³⁷U.S.D.A. *Agriculture Handbook #8*.

³⁸FDC-78, Tr. 3074.

³⁹Ibid, WD-46-Briggs, pp. 37-39. Also *Today's Health*, Nov. 1969, p. 41.

⁴⁰Cortez F. Enloe, Jr., The Malnutrition of Affluence, *Today's Health*, November 1969, p. 40.

⁴¹Ancel and Margaret Keys, *Eat Well & Stay Well*, Doubleday, N.Y., 1959, p. 109.

⁴²FDC-78, Tr. 4079; 5588.

⁴³Ibid, Tr. 21, 405.

⁴⁴Of course, exorbitant profits are involved in some cases, especially in the cereal industry. Some "Instant" breakfast cereals sell for up to 35 times the cost of the grain in them.

⁴⁵*Drug Trade News*, August 28, 1967, p. 56 (letter to the editor).

⁴⁶FDC-78, WD-46-Mayer, pp. 26-28.

⁴⁷W. G. De Burgh, *The Legacy of the Ancient World*, Penguin (No. A284), 2nd ed., 1947, pp. 8, 104.

STATEMENT OF DR. ELIZABETH MUNVES, AMERICAN DIETETIC ASSOCIATION

The existence of fad diets presents a health hazard and an economic liability to the public. Fad diets may be considered in three categories: (1) those that are concerned with medical problems, such as diets for weight control, to cure arthritis, to cure diabetes, to improve gastro-intestinal function, to cure cancer, etc.; (2) those that are related to normal nutrition, yet make false claims, such as claims that certain foods will promote longevity, improve health, are important for physical performance, etc., and (3) those fads that are folk-tales, myths, that are handed about among families and cultures. It is important that some measures be taken to combat this.

One of the most effective ways to overcome this problem would be to strengthen and extend existing programs and agencies. This is primarily a form of nutrition education. For example if additional money were appropriated, the current Department of Health, Education, and Welfare programs in public health nutrition could include mass media publicity emphasizing the undesirability of self treatment for medical disorders, informing the public of resources available to them for medical problems. This could be similar to the current publicity about lead poisoning. The program of the Department of Agriculture could also be expanded and could develop extension services such as 4-H for the urban as well as for the rural areas. Emphasis on reaching a greater segment of the public by information from Consumer Affairs would be helpful. There would be need, also, to coordinate the activities of the above mentioned agencies if programs were expanded.

In addition, with respect to the mass media, labeling and misleading claims, the FDA and the FTC need funds for additional personnel to effectively enforce existing legislation. If possible, penalties for violations should be more severe.

Nutrition education should become part of the curriculum in elementary school, thereby developing an informed and discerning public against food fads.

The practice of including nutritionists in comprehensive health care programs should be continued, and, if possible, expanded and extended.

Personnel for the above must be recruited and financial aid for training of professionals is needed. The Allied Professions Training program might include undergraduate as well as graduate education.

In conclusion, the public needs to be made aware that diet is part of health and that the non-professional is not usually a reliable source for health information.

MARTHA GRIFFITHS—CHAMPION OF WOMEN'S RIGHTS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, September 17, 1970

Mr. RYAN. Mr. Speaker, on August 10, the House passed by an overwhelming

vote, House Joint Resolution 264, an amendment to the Constitution which would provide American women with equality of rights under the law. I was the sponsor of an identical resolution, House Joint Resolution 941.

Leading the fight for passage of this historic amendment was one of our most able colleagues, MARTHA GRIFFITHS.

Mrs. GRIFFITHS has been working toward this victory since 1955, when she first came to the House of Representatives. This year, as in 22 previous years, the legislation was fated to languish. But Mrs. GRIFFITHS rallied the support of 217 other Members of Congress and forced the bill out of committee with a discharge petition. I was pleased to be a signatory on that discharge petition.

Mrs. GRIFFITHS' whole career is an example of her work for women's rights and dignity.

She is a lawyer whose capabilities have engendered support for her nomination to the Supreme Court.

She served in the Michigan State Legislature for 4 years.

She served as a State judge for 2 years, and then she was elected to Congress—the first woman to serve from the State of Michigan.

She has served as the first woman on the House Ways and Means Committee.

As I am sure my colleagues, both male and female, will agree, Mrs. GRIFFITHS is an intelligent, progressive, and dedicated Member of this body.

I would like to salute her on her victory. It is a pleasure for me to work with her as a colleague and for me to know her as a person.

I am inserting in the CONGRESSIONAL RECORD three of the many articles about Mrs. GRIFFITHS which were published throughout the country after passage of the equal rights amendment: "MARTHA GRIFFITHS: Graceful Feminist" from the August 24 issue of Time magazine, "Woman in the News: Equal Rights Champion—MARTHA WRIGHT GRIFFITHS" by Marjorie Hunter from the August 11 New York Times, and "Woman in the News—MARTHA GRIFFITHS: It Took 16 Years" by Jack Robbins from the August 22 New York Post:

MARTHA GRIFFITHS: GRACEFUL FEMINIST

Easily the most persistent feminist in the U.S. Congress, Michigan Democrat Martha Griffiths manages to enjoy the best of both career and wifely worlds. When she returned to her office on the day after her equal rights amendment finally passed the House, she found a dozen yellow roses on her desk and a note from Hicks, her husband of 37 years. "YOU'VE DONE IT AGAIN," it read. Moved, Martha smiled and said quietly: "It's nice to know my husband still loves me."

Firm but not fiery on the subject of women's rights, Martha Griffiths is a cheery woman of 58 who has been pushing the amendment ever since she came to Congress in 1955. "There will be a day when the Supreme Court says, 'Yes, the Constitution really does apply to women'—and I will see that day," she has long insisted. Although the other nine women Representatives in the House recently urged that she be considered for appointment to the high court because she is a highly competent lawyer as well as legislator, Mrs. Griffiths considers such an event "out of the range of possibility." Privately, she calls the justices "idiots" for failing to apply the 1964 Civil Rights Act to women as well as to blacks.

Mrs. Griffiths credits the current Women's Liberation Movement with giving a "real intellectual stimulus" to the equal-rights drive and resents the ridiculing nature of the publicity it has received. But she sees the spreading industrialization of the South and the prevalence of divorce as bigger factors in awakening more women to economic injustice. She thinks men are waking up too.

Examining her own career, Mrs. Griffiths happily concedes that it has been more advanced than hindered by men. It was at the urging of her husband, who was also her law partner in their Detroit firm, that she first ran for the Michigan state legislature in 1946. She lost, but won two years later when she campaigned largely on behalf of G. Mennen ("Soapy") Williams, who had joined their law firm and was running successfully for Governor. She served four years, tried for Congress in 1952, but was buried in the Eisenhower landslide.

Williams then appointed her to a judgeship in Detroit. In 1954 she ran again for Congress and earned a measure of masculine appreciation by daily driving a car and campaign trailer through her predominantly blue-collar district on Detroit's northwest side. She won, despite primary opposition from the United Auto Workers Union. Candidate Griffiths was helped by her husband, a former chairman of the Michigan Democratic Party, and by Williams. "Soapy and I were the happy extroverts and ran around shaking hands," she recalls. "But my husband knew how to get things done."

Mrs. Griffiths quickly earned the respect of her male colleagues in the House by her analytical legal mind and her powers of friendly persuasion. She became the first and only woman to sit on the Ways and Means Committee. She has fought (vainly, so far) to equalize Social Security benefits for men and women, has pushed to replace the school-lunch program with one providing three free meals daily for all children of the poor. She also heads the Select Committee on the House Beauty Shop. While most militant liberationists would scoff at such an assignment as both belittling and irrelevant, Martha Griffiths points out proudly that her shop is "the only thing in Washington that operates in the black."

EQUAL RIGHTS CHAMPION—MARTHA WRIGHT GRIFFITHS

(By Marjorie Hunter)

WASHINGTON, August 10.—During a balance of payments crisis a few years ago, Representative Martha W. Griffiths startled the Under Secretary of the Treasury, Robert V. Roosa, when she asked sweetly: "Tell me, Mr. Roosa, why do we have to have gold in the first place?" It was no idle, ill-informed question. It was designed to cut through the bureaucratic flow of facts and figures that so frequently inundate Congressional committees. It was the type of question, seemingly naive but asked for a purpose, that has made Martha Griffiths one of the most effective interrogators in Congress.

Disdaining the militant overkill of many leaders of the women's liberation movement, Representative Griffiths succeeded today in getting the male-dominated House to say yes to a question that has been gathering dust for 47 years.

Quietly, persuasively, with all the skill of the trial lawyer she once was, she pushed through the House a proposed constitutional amendment granting equal rights to women under the law.

DEPLORES MALE INEQUALITIES

Long a champion of equal rights, Mrs. Griffiths has long bemoaned the legal inequalities not just of women but of men as well.

Noting that under the law her husband has no survivor's right in her Social Security pension, she once scolded male colleagues on

the tax-writing Ways and Means Committee, saying:

Like Rosa Parks, who was tired of standing in the back of the bus I am tired of paying into a pension fund to support your widow but not my widower."

Mrs. Parks was the Negro woman in Montgomery, Ala., who was arrested for refusing to yield her bus seat to a white man in 1955. The incident led to a boycott of the city's buses that lasted almost a year.

Unlike some militant feminists, Mrs. Griffiths is no man-hater. She has been married for 37 years to Hicks Griffiths, a Detroit lawyer, whom she met while they were undergraduates at the University of Missouri.

Married after graduation, the two enrolled together at the University of Michigan Law School, then set up a law firm together. Later they took in a partner, G. Mennen Williams, who moved on to become Governor of Michigan and then Assistant Secretary of State.

Mrs. Griffiths attributes her political success to her husband, who was once State Democratic Chairman in Michigan.

While her husband continued to practice law, Mrs. Griffiths served two terms in the State Legislature and then as a judge of Detroit's Recorder's Court. She came to Congress 16 years ago, the first Democratic woman elected to Congress from Michigan.

She became the first and only woman to serve on the House Ways and Means Committee. The nine other women members of the House proposed last year that she be named to the Supreme Court.

Martha Wright, the daughter of a rural mail carrier, was born Jan. 29, 1912, in Pierce City, Mo. She was a champion debater, both in high school and at the University of Missouri.

She has an apartment in a Washington suburb and flies home to Detroit each weekend. Once there, she and her husband usually drive to their farm in Romeo, Mich. They have no children.

Mrs. Griffiths is an avid gardener and enjoys making preserves and canning fruits and vegetables. Her only other hobby is "reading—everything but fiction," she says.

MARTHA GRIFFITHS: IT TOOK 16 YEARS

(By Jack Robbins)

When Martha Wright Griffiths and her husband graduated together from the University of Michigan Law School 30 years ago they took identical jobs in the legal division of an insurance company. Identical but for one thing: he was paid \$125 a month, she got \$115.

"That was perfectly ridiculous," she says now, sounding as coldly indignant as if it had happened yesterday.

Mrs. Griffiths has had a long string of "the first women ever to . . ." accomplishments, and now she is the first woman ever to get an amendment through the House of Representatives that would forbid the sort of discrimination of which she was a victim.

Mrs. Griffiths, who is a Democrat from Michigan, has been pressing for an equal-rights-for-women amendment for all of her 16 years in the House. This year she made it by sponsoring a discharge petition that finally pried the amendment out of the Judiciary Committee, where Emanuel Celler (D-Brooklyn) has kept it locked up for 20 years.

"It was a terrible risk," she says. She feels the Supreme Court would eventually have extended to women the 14th Amendment's "equal protection of the law." But if she stirred up the issue now—and lost—it might also kill any inclination on the part of the court to go the 14th Amendment route, on the premise that Congress reflected the will of the people.

But her gamble for freedom now was successful. Only a handful of Congressmen voted

against the amendment, whose key clause reads:

"Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

Now Mrs. Griffiths is looking ahead to the Senate and then the state legislatures where the battles remain to be fought. More than 80 Senators have attached their names to the amendment, making approval in the upper house a seeming certainty, but it still must be protected from riders which could, from Mrs. Griffiths' viewpoint, cripple it.

One such has been introduced by Sen. Sam Ervin (D-N.C.) and would exempt from the amendment any law designed to "promote the health, safety, privacy or economic welfare of women."

"His (Ervin's) version would destroy the amendment," Mrs. Griffiths says. "I hope he goes down to a gracious, graceful defeat."

"The laws which are supposed to protect don't protect anyway, they restrict. The 40-hour a week law, for example, doesn't operate on women, it operates on employers. A woman can still work more than 40 hours, she just has to do it at two jobs and won't be paid overtime for the extra hours. That law just ensures that if there is any overtime pay no women will share in it."

Martha Wright Griffiths was born on Jan. 29, 1912, in Pierce City, a small town in western Missouri. She came from sturdy, frontier stock. Her father, Eldridge Wright, was one of three sons of a rural deputy sheriff and he was raised by his mother after the deputy was shot to death by hold-up men.

"She did better by those three boys than most men," Mrs. Griffiths says of her grandmother, "and that woman could have used some equal rights."

Wright was a rural mail carrier and his wife, Nell, also carried the mail during World War I so the notion of a woman going outside the home was not a new one to daughter Martha.

"I always expected that I would work," she says, "though I never thought of going into politics." She was encouraged to have career ambitions by the men in her life as well as the women, her father when she was growing up, and later her husband.

"I remember when Frances Perkins was Secretary of Labor she was criticized for her aggressiveness. My father told me, 'She's probably the least aggressive member of the Cabinet but men are quick to notice any fault because she's a woman.'"

She attended public schools and the University of Missouri, where she majored in political science and was captain of the debating team. At the university she met Hicks Griffiths, and they were married while still undergraduates.

At his suggestion they both enrolled in law school and worked their way through, he in the library and she on the law review plus whatever summer jobs they could find. Their not-all-that-happy-anyway careers in the insurance business were ended when World War II broke out and both took jobs with the government.

She was a purchaser for the Detroit Ordnance District and apparently the first woman ever to negotiate contracts for the Army. Hicks was chief price attorney for the Office of Price Administration.

"He had the final word on prices unless he was overruled by a court, and Mr. Griffiths' rulings were never overruled."

After the war he stayed on in Washington for a few months while Martha opened a law office in Detroit. On his return they became partners. A third member was added to the firm in 1947, a law school classmate, G. Mennen (Soapy) Williams, later to serve six terms as Governor of Michigan. Hicks Griffiths managed Williams' early political campaigns and for a time was chairman of the Michigan State Democratic Party.

The law firm prospered, meanwhile, with Griffiths rounding up business and doing contract work and his wife handling the bulk of trial work.

She didn't feel her sex was much of a handicap in the practice of law, and neither did her opponents, among whom she quickly established a reputation for shrewdness and competence.

Mrs. Griffiths political career also progressed nicely. A first attempt at election to the state legislature failed in 1946 but she was successful in 1948 and served two terms there, leaving to run for Congress in 1952.

She survived a four-candidate primary but not the Eisenhower Republican landslide in November. Her former law partner was by then Governor, and he appointed her to a judgeship (Detroit Recorder's court, where she was the first woman, etc.), which she held until her second and successful bid for Congress in 1954.

She gives her husband most of the credit. "He was responsible for me going to law school, he was responsible for me going into politics. He did most of the work in the campaigns. He knew how to get things done while Soapy and I ran around shaking hands."

In Congress Mrs. Griffiths has gathered seniority, power and the respect of her colleagues. She is, of course, the first woman to serve on the Ways and Means Committee.

She is considered a liberal, advocates free trade, welfare and is sponsoring a bill that would provide national health insurance under Social Security. She is an opponent of the war in Southeast Asia. "I didn't think we should have gone in in the first place and I think we should get out, now."

From time to time it has been suggested that she become the first woman to serve on the Supreme Court and she says that "of course that would be the greatest possible honor for any lawyer." Then she adds:

"But the Supreme Court can't talk, you know. You just have to sit there and wait for the cases to come up."

Real equality for women is probably 100 years away, Mrs. Griffiths says realistically, even if her amendment is swiftly ratified. "What women need is a legal fund and a battery of lawyers trying case after case after case."

She cited two recent cases where women won equal employment rights in court. "After a while private lawyers may begin to see gold in that litigation."

Presumably a woman deprived of a chance of a job for a number of years in violation of the law would be entitled to substantial damages. "The problem is that most women need jobs so desperately that they are afraid to do anything that might risk losing them."

"Remember," she says, "discrimination against women is discrimination against families, against men. Women need to be able to support themselves and their children. And my male colleagues in Congress are paying into a social security fund which will benefit their widows, but my contributions will not benefit my widower."

Mrs. Griffiths says she has had no direct personal contact with any of the Women's Liberation groups that have been so much in the news lately but she does credit the movement with giving "intellectual stimulus" to the drive for equality. At the same time she expresses some views that many feminists would deride.

This Wednesday's "Women's Strike for Equality," among things commemorating the 50th anniversary of women's suffrage, will find the Congresswoman in Texas making a speech. It will be on medical care.

"I think that a strike, if it's going to be effective, should be very well organized and I don't think that women can organize it properly at this time. Any time women do anything it has to be successful, or it will

be used against them. I hope all those women [who take part in the strike] write their Senators."

And concerning whistles, catcalls and anatomical comments from male strangers: "I suppose if women didn't like it, it wouldn't happen. It's outside the purview of the law."

The Griffiths, who are childless, live in Detroit, though Mrs. Griffiths maintains an apartment in Washington since, as she says, "Congress almost never adjourns anymore." But she flies home every weekend.

Her husband still presides over the law firm now handling mostly labor negotiations from the management side of the table.

They spend what time they can at their farm near Romeo, Mich. They do very little farming (all but 15 acres are rented out) but Mrs. Griffiths does some canning—last year it was currants.

Hicks Griffiths has been an enthusiastic backer of the equal rights amendment—he sent a dozen yellow roses to his wife the day after her victory.

"Mr. Griffiths," she says, "is the leader or the boss or whatever you want to call it, and we have a very happy marriage."

CONGRESSMAN BILL SCOTT REPORTS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. SCOTT. Mr. Speaker, since coming to Congress, I have attempted to keep my constituents informed regarding congressional activities through a monthly newsletter. The September report is inserted in the RECORD at this point for the information of the membership:

YOUR CONGRESSMAN BILL SCOTT REPORTS CENSUS

The decennial census not only determines the number of Representatives in the Congress from each of the states but oftentimes is used for the apportionment of funds for schools, roads and other purposes. Therefore, it is understandable that a number of counties and cities are concerned about the preliminary figures which differ from their own local population estimates. The House Subcommittee on Census and Statistics on which I serve is conducting hearings on the conduct of the census. The Vice-Chairman of the Loudoun County Board of Supervisors, Huntington Harris, was one of the witnesses appearing on behalf of the National Association of Counties. During the hearings, the Director of the Census agreed to take still another look at the Loudoun County figures as well as those in some other counties to determine whether sample recounts of census tracts should be made. The hearings will continue in an effort to insure that the official census figures to be released on December 1 will be as accurate as possible. The latest figures released which are still preliminary indicate that our Congressional District contains a population of 593,534 followed by the 1st District with a population of 550,445.

UNSOLICITED CREDIT CARDS

There has been considerable concern expressed by constituents regarding the receipt of unsolicited credit cards and after somewhat extensive hearings the House Post Office and Civil Service Committee reported a bill which has now been adopted by the House providing that a credit card is non-mailable unless it has been solicited or is a replacement of a previous one except under such

circumstances as the Postal Service shall provide. My own remarks are in the September 9, 1970, issue of the Congressional Record and a copy will be furnished you upon request. The concluding portion, however, states: "The consumer, the merchant, the credit card issuers and every other legitimate party need this legislation to provide basic consumer protection."

WASHINGTON COMMUTER

The Governor has furnished the following report on the status of Interstate #66 as of August 31, 1970:

"1. From Capitol Beltway to Glebe Road: No final decision has been received from the Metro Transit Authority as to right-of-way requirements. (Right of way has been cleared from the Beltway eastward to Washington Boulevard, some right of way remains to be secured from Washington Boulevard to Glebe Road.)

"2. From Glebe Road to Lee Highway: Most of the right of way has been secured on this project, and we anticipate the project will be ready for advertisement December 9, 1970. The estimated construction cost is about \$5 million.

"3. From Lee Highway to Rosslyn: The plans are now out for right of way. Approximately 165 families will be displaced, in addition to 25 places of business. Our present estimate for an advertisement date is the summer of 1972."

Governor Holton has promised to expedite the completion of the highway but those of you who commute to and from Washington still might want to discuss this matter with your representatives in the State Legislature.

HEALTH BENEFITS BILL

Action was completed last week on the bill to increase the federal government's contribution to the employees' health benefits program. The measure was passed by the Senate with an amendment which altered the House bill by reducing the proposed government contribution from 50 to 40 percent. This amendment was accepted by the House inasmuch as it seemed to be the only way that the measure could be enacted this year. If signed by the President, the bill will be effective January 1, 1971.

FOREIGN AID

The Chairman of the House Foreign Operations Subcommittee on Appropriations has sent a copy of an itemization of foreign assistance over the years to each Member of Congress. His figures indicate that the total new requests for foreign assistance for this fiscal year exceed \$12,133,525,000. He indicates that the unexpended balances for foreign aid programs from past years is \$18,479,704,000 and that the total cost of foreign assistance from 1946 through 1970 is \$199,388,667,000. This includes assistance to 123 nations and 7 territories throughout the world. The Chairman indicates that as of December 31, 1969, this country had a public debt of \$371,434,785,000 compared with the public debt of all the other nations of the world combined of \$304,160,241,000 and pointed out that this country's public debt exceeds the combined debt of all the other nations of the world by \$67,274,544,000.

LET ME INTRODUCE

Another member of the Washington staff, Caroline Boubin, shown here, is my Appointments Secretary. Formerly from Vienna, Caroline now lives in Alexandria with her husband, John, who is with Sears, Roebuck, and her two daughters. She was my Legal Secretary when I practiced law in Fairfax before being elected to Congress. While primarily responsible for personal dictation and arranging appointments, Mrs. Boubin is familiar with the work of the entire office.

PRISONERS OF WAR

Many people believe that North Vietnam is sensitive to world opinion and that a flood

of protesting letters from all over the world can result in more humane treatment of American prisoners. Some time ago, I joined with most other Members of Congress in writing to the head of the North Vietnam government regarding this matter and you may want to add your voice in favor of the release of the sick and wounded, a negotiated exchange of prisoners, allowing inspection of prison camps and the protection of prisoners from abuse. You can write to: President of North Vietnam, Ton Duc Thang, Office of the President, Democratic Republic of Vietnam, Hanoi, North Vietnam. It is understood that 25¢ per half ounce postage is required.

NON-VOTING DELEGATE FOR WASHINGTON

The Congress has passed a measure to provide a non-voting delegate to the House of Representatives from the District of Columbia and to establish a 12-member commission to study the local government to determine what changes can be made to promote efficiency, economy and improve public service. Four members of the commission will be appointed by the President, four by the Vice President and four by the Speaker of the House. Half of the members will be from the private sector and the other half from the government.

VETERANS' PENSIONS

The Committee on Veterans' Affairs has favorably reported a measure providing that persons receiving pensions for non-service connected disabilities shall not have their pensions reduced because of an increase in Social Security benefits. If this bill is adopted, annual reporting of income and net worth will no longer be required of pensioners 72 years of age or older who have received a pension for more than 2 years. If enacted, the bill will not be effective until the 1st of next year and will not eliminate the need for annual reporting for persons 72 until 1972.

NATIONAL FAMILY WEEK

I have joined with a number of other Members in introducing a Joint Resolution authorizing the President each year to proclaim the week in November which includes Thanksgiving Day as National Family Week. Of course, the family is the basic unit of society and recognition of the importance of family loyalties may tend to improve the general relationship of people with their community.

POLITICAL BROADCASTING AMENDMENT

Earlier this week the House agreed to a Conference Report which, among other things, provides that in general elections candidates for federal office can spend on radio and television advertising no more than 7 cents times the number of votes cast in the last election for that office, or a total of \$20,000, whichever is greater. While the measure is not expected to affect this year's election, it will reduce the opportunity of those with unlimited funds to "buy an election."

LEGISLATIVE REORGANIZATION

The House has spent many days considering a legislative Reorganization Bill. While the entire membership would agree to the need for some changes in the organization of the Congress, so many amendments have been offered and such a wide difference has developed between the House version of the bill and the Senate version passed during the 90th Congress that it is unlikely that these differences will be resolved prior to adjournment, now expected to be about October 15. Should no bill be enacted this year, the extensive debate, however, will result in the availability of comprehensive changes in the rules to be considered when the 92nd Congress convenes in January.

PRAYER AMENDMENT

A number of measures have been introduced to permit voluntary prayer in schools

and other public buildings. These have been pending for a number of years in the House Judiciary Committee without action. Therefore, a discharge petition was filed with the Clerk of the House to discharge the Committee from further action on the matter and to bring the so-called Dirksen Amendment before the House for action. While I am a co-sponsor of the measure and signed the discharge petition, it now has only 55 signatures compared with the required majority of 218. Therefore, it is unlikely that the proposal will be considered even though considerable interest has been expressed by constituents.

MANASSAS MINISTER

The House is opened each day with prayer, usually offered by the House Chaplain. However, he does permit various Members of the House from time to time to have ministers from their District give the opening prayer. The Reverend James Davidson, pastor of the Manassas Baptist Church has been afforded this courtesy on September 29.

SOMETHING TO PONDER

It is difficult to make wisdom a matter of law.

HUMANE TREATMENT OF ANIMALS

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. WEICKER. Mr. Speaker, today I am introducing a bill to assure humane treatment to animals that are transported by airlines.

The bill requires that the Secretary of Transportation establish regulations for the care and humane treatment of animals transported in air commerce and authorizes fines of \$1,000 for violation of these rules.

An investigation by my staff revealed too many instances where pets shipped by air are subject to inhumane treatment either because of carelessness, neglect, or lack of concern for the comfort and safety of the animals on the part of the airlines.

I was shocked to learn that neither the Civil Aeronautics Board nor the Federal Aviation Administration nor the Department of Agriculture nor any Federal agency, has established regulations for the care and humane treatment of animals that are shipped in air commerce.

The airlines have cargo guidelines, but I have found too many instances where the guidelines are either ignored or not followed, and there are no penalties for failure to follow these guidelines.

At present there are 10 complaints on the abuse, mistreatment, or the negligent death of animals pending before the Civil Aeronautics Board for investigation. These complaints have been filed since July 8 and emphasize the need for Federal regulations in this area.

Recently, I received a complaint from a Stamford family whose 10-month-old German shepherd dog died after being stored in the baggage hold of a United Airlines plane for more than 8 hours.

I share with my colleagues the letter from Mrs. Arthur Baum of Stamford so that you may understand the need for regulations covering humane treatment of animals transported by air.

To some the need for these regulations may seem like a trivial matter in comparison to the other pressing problems of the day, but I feel that if we do not have compassion for all of God's creatures we diminish our ability to care about our human neighbor.

The letter follows:

STAMFORD, CONN., July 27, 1970.

Mr. JOHN F. SHAFER,
Director,
Federal Aeronautics Administration,
Washington, D.C.

DEAR SIR: On Saturday, July 25, 1970, Mr. David Brill of Highland Park, Illinois, took a ten-month old German Shepherd dog to United Airlines at O'Hare Airport in Chicago for shipment to me at John F. Kennedy Airport. The dog was scheduled to depart on United's Flight 430 at approximately 11:00 A.M., CDST, and scheduled to arrive at JFK at 1:58 P.M., EDST.

It takes at least one hour for us to get to the airport in light traffic, and since traffic conditions on July 25 were being announced over the radio as very heavy we left our house at 12:30 p.m. We did not call the airport to verify arrival time because our past experience in getting a truthful answer to this question—especially so far in advance—has been dismal.

We found on arrival at United Cargo that the flight had been delayed due to mechanical difficulties. An attendant phoned Chicago, and from the time that we arrived at JFK (not long after 2:00 P.M. EDST), United in Chicago knew that a live dog had been placed in the cargo hold of the plane, which at the time was still on the ground. They also knew that he was a valuable dog and that he was insured. We asked them to ascertain whether the dog was being cared for and specifically to make certain that he was not in the sun or in overheated place. We were assured that he would be in the proper place—that "United personnel take good care of the dogs being shipped."

Our own experiences at the airport between then and the time the dog arrived are not relevant. Flight 430, however, were told left Chicago at 4:00 P.M. EDST—but it was not on the ground in New York until some time around 7:00. The Supervisor had arranged to have a vehicle at the Passenger Terminal to bring the dog to the Freight Terminal immediately. When the truck arrived at 7:15 the dog was dead. He had obviously been dead for some time since rigor mortis had set in.

Subsequent events, including the finding of the Veterinarian who autopsied the dog led us to believe that he was dead before the plane took off from Chicago. The dog had never been removed from the hold of the plane during all the time the plane had been sitting idle on the ground, unventilated, while the mechanical difficulties that kept it there were being taken care of.

The veterinarian who performed the autopsy indicated verbally that the dog died of heat exhaustion and "these reports are common and routine in hot weather".

It is bad enough for the humans involved to lose a wonderful pet and potential show dog (this particular dog was bred by me with the show ring in mind, and with the knowledge that his genetic make-up would make him a valuable sire). It is horrifying to think of the cruel, thoughtless and inhumane way in which United Airlines killed him. We hear from friends and read in publications—and confirmed from professionals such as the veterinarian who performed the autopsy—that these kinds of events are "common".

The purpose of this letter is to urge stiff regulations concerning the handling of animals under all circumstances—both unusual and routine. One cannot blame the airline

for its caution regarding its valuable plane and valuable human cargo if there is a mechanical problem.

Live animals are perhaps the most perishable cargo that can be transported by air.

United Airlines cannot replace this animal of many generations of careful breeding, nor can they ever repay us for the mental anguish, heartbreak and generally traumatic eight-hour experience.

If they can be penalized some way, this should be done. In any event, provisions should be made to avoid these kinds of tragic happenings in the future.

Sincerely yours,

Mrs. ARTHUR H. BAUM.

JUDICIAL DESECRATION OF OLD GLORY AND THE STARS AND BARS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. RARICK. Mr. Speaker, the law in our land continues to be prostituted to a meaningless void by overzealous individuals who serve as Federal judges dedicated to political self-serving goals.

In my district in Louisiana, school authorities have been ordered to remove the Confederate flag from the office of a high school principal because a Federal judge found in his opinion:

The Confederate Flag has become a symbol of resistance to desegregation and to some extent a symbol of white racism in general.

No constitutional citation was offered. Several weeks later, a panel of Federal judges in Baltimore found the Maryland State flag desecration statute unconstitutionally applied to censor a student magazine picturing the burning of the U.S. flag on the cover.

The ingenious author of the court's opinion sidestepped the issue of flag desecration by holding in his opinion, that the magazine cover was an expression of art rather than a symbol designed to incite others to violate the law. The American people are now given to understand that a simple display of the Stars and Bars of the Confederacy might incite others to violence but that a mass distributed publication with a cover picture of the burning of the U.S. flag is art and not designed to incite others to violate the law.

As I have frequently been constrained to say, Americans and American traditions come last in the United States these days. History, culture, and honor are denied our people by judicial zealots who are unfit to kiss the boots of those great champions of individual liberty who gave us our freedoms, our Constitution, nurtured our institutions, and were so dedicated to the philosophy of an intelligent independent judiciary—to defend our laws and institutions—that they provided for legal scholars to be appointed for a term of "during good behavior."

Exasperatingly, we now find individual members of the judiciary have desecrated their office, their trust as freedoms and degrade themselves to become common bookburners and censors of

what is in the best interest of some minority which they apparently feel they represent but for fear of prejudice they do not identify.

How long American; how long?

Mr. Speaker, I include the related newsclippings as follows:

[From the Shidell (La.) Times, August 1970]

SCHOOL BOARD WILL APPEAL LATEST ORDER

The St. Tammany Parish School Board "is definitely going to appeal" a three-pronged order issued last Friday by US District Judge Frederick J. R. Heebe in New Orleans, Superintendent of Schools Cyprian J. Schoen announced Tuesday.

Judge Heebe, in response to a suit filed by a group of Negroes who protested the presence of a Confederate flag in the office of Louis Wagner, principal of Covington High School, ordered:

- (1) Discontinuance of display of the Confederate flag in St. Tammany schools;
- (2) Appointment of a black assistant principal at Covington High School before Sept. 10; and
- (3) Formation of a bi-racial committee before Oct. 10.

Judge Heebe, in his order, said the Confederate flag has become a symbol of resistance to desegregation, and to some extent a symbol of white racism in general.

He also noted that the presence of such symbols as Black Panther or Black Power flags also would not be constitutional in a unitary school system.

His order asserted: "All Confederate flags, banners, signs expressing the school board's or its employees' desire to maintain segregated schools, and all other symbols or indicia of racism shall be removed from the schools and shall not be officially displayed at school functions of any kind. This shall not prevent individual students from wearing or displaying buttons, signs or symbols."

"A bi-racial committee shall be formed prior to Oct. 10, 1970. The bi-racial committee will be composed of two members from each ward of the parish, one member to be chosen by the school board and one member by the Negro community in each ward. The chairmanship is to alternate annually between a white chairman and a Negro chairman. The membership must be divided equally between whites and Negroes."

"This committee should consider and make recommendations on such matters as means of easing tension in the community, ways to make desegregation work more effectively, and solutions to racial problems arising in the schools."

Names and races of the committee's members are to be reported to the court by Nov. 1, according to the order, and the committee is to make bi-annual reports, on Dec. 15 and April 1, on the maintenance of a unitary school system.

Schoen said if the black assistant principal is appointed, he will make the appointment after conferring with Wagner and members of the school board.

Noting that the board's next regular meeting will be held Oct. 1, he said he did not know just how the board would appoint members to the bi-racial committee by the Sept. 10 deadline, nor in just what manner the board would establish contact with "the Negro community in each Ward." (Ward 6, for instance, has no Negro community.)

With reference to the Confederate flag, Schoen in response to a question reported it is not now on display at Covington High.

[From the Washington Post, Sept. 18, 1970]

CENSORSHIP OF MAGAZINE RULED ILLEGAL

A panel of three federal judges ruled in Baltimore yesterday that the University of Maryland acted illegally last December when it censored a student magazine picturing a burning flag on the cover.

The panel held that the Maryland flag desecration statute was unconstitutionally applied to the winter issue of Argus because the cover was an expression of art rather than a symbol designed to incite others to violate the law.

In a 13-page opinion, U.S. District Court Judge Frank A. Kaufman sidestepped the issue of whether or not the flag desecration law is constitutional. The law prohibits persons from publicly casting contempt on the American Flag by mutilating it through words or deeds.

The Maryland attorney general had ruled the picture violated the flag desecration law and advised the university to halt publication. The issue eventually was published with the word "Censored" printed across a plain white cover.

POST OFFICE REDUCES SPECIAL DELIVERY SERVICE IN NEW YORK CITY

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. KOCH. Mr. Speaker, on Monday, September 21, the Post Office will implement new orders reducing postal service in New York City while adding to traffic congestion in the city's streets. The Department is cutting special delivery runs in Manhattan's business district by 70 percent and by 50 percent in the borough's residential areas. At the same time, it is requiring that all special delivery runs be made with trucks, whereas now foot carriers make the runs in areas of heavy postal concentration and trucks in low concentration runs. The Department's new emphasis on motorization is completely contrary to the city's efforts to reduce vehicular traffic.

It was just a year ago that the Nixon administration increased special delivery rates by 50 percent—from 30 cents to 45 cents—and now they are proposing not to improve special delivery service but to reduce it, a reduction that in some parts of the country has meant a complete elimination of the service. The reduction in New York City will provide just four special delivery runs a day throughout the city, instead of the 13 we now have in business districts and eight in residential areas. It also will mean that two of the four runs—for which the Department insists on using trucks—will be made in rush hour: one between 7:30 a.m. and 11:30 a.m. and the other between 3 p.m. and 7 p.m.

This service reduction has been opposed by New York Branch 36 of the National Association of Letter Carriers and because of the union's protests the reduction of service had been delayed for several months, but the Department is now scheduled to go ahead with the reduction on Monday.

Mr. Speaker, when someone spends an additional 45 cents on a letter, he trusts that it will receive special handling and delivery; but now, with no public announcement by the Department, this will not be the case. Many special delivery letters will be mixed in and delivered with other mail, including junk mail. Mr. Speaker, it seems to me that this is another instance in which the public's

faith in the Government is being breached—and it is a move that only can contribute to the confidence gap in both the Post Office and the Nixon administration.

I hope that Postmaster General Blount will reconsider this decision and retract his order so that full service can be continued.

THE ACCOMPLISHMENT OF RABBI JACOB MUSKIN

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. VANIK. Mr. Speaker, it is with a great deal of pleasure that I take note of the tribute being paid to Rabbi Jacob Muskin, spiritual leader of the Warrensville Center Synagogue in my community. Rabbi Muskin is being honored by the Cleveland community for the sale of State of Israel bonds. Rabbi Muskin is a recipient of the Jerusalem award which will be presented at the testimonial dinner in his honor on the 23d of September at his synagogue.

Rabbi Muskin came to Cleveland 20 years ago having been elected rabbi of the Kinsman Jewish Center. During his years of service to the Cleveland community, one of Rabbi Muskin's many accomplishments has been the merger of the Kinsman Jewish Center and the N'vai Zedek and Tetiever Ahavas Achim congregations to form the present Warrensville Center Synagogue. Along with the former Eddy Road Jewish Center, the Warrensville Synagogue constitutes one of the largest traditional synagogues in the Middle West.

In addition to his numerous duties on behalf of his great and energetic congregation, Rabbi Muskin has been an active and dedicated participant in the Jewish life of our community. He has served on the education committee of the Hebrew Academy for the past 18 years, and on the executive boards of the Bureau of Jewish Education, and Telashe Yeshiva. He has been a member of the board of the Jewish Community Federation and has served as Midwest conference chairman for the Union of Orthodox Congregations of America. He also is a past chairman of the Cleveland Religious Council for the State of Israel Bonds. Rabbi Muskin's continuing interest in education led him to innovate a unique method of teaching the ceremonies and customs of the Jewish holidays. His annual radio and television programs have brought a clearer and understandable look at the beautiful religious service of Judaism to the people of all religions of our communities. These presentations have been widely acclaimed and are deserving of special attention.

Rabbi Muskin and his family epitomize the best in the great American tradition of community service and deep spiritual belief. Our entire community is proud of their achievements and is especially pleased with this outstanding recognition.

MUST STOP KILLING OF LAWYERS IN AMERICA

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1970

Mr. CRAMER. Mr. Speaker, I have introduced a bill providing a mandatory death penalty for killing a policeman, fireman, other law or judicial officer in the performance of his duty.

This is part of my continuing fight to halt revolutionary violence in America. In 1968, I sponsored the Antiriot Act under which the Chicago 5 subsequently were convicted for inciting the violent civil disorders at the Democratic National Convention. Hopefully, these revolutionary leaders eventually will go to jail.

My new measure also would protect members of the National Guard and the Armed Forces while acting to suppress violence during a civil disturbance.

The rash of murders and assaults on policemen and judicial officers, I believe, is part of a nationwide plan by the radical revolutionaries aimed at destroying America and its institutions. We must put these revolutionaries out of business.

Therefore, I would make killing a law officer or fireman a Federal offense, punishable by the death penalty unless the jury recommends mercy. For an assault on a lawman, the penalty would be 10 years in prison or \$10,000 fine; if injury results, 20 years in prison and \$20,000 fine.

The free flow of commerce throughout the Nation is dependent upon the maintenance of law and order and necessary related Government functions of our law enforcement and judicial offices.

The seriousness of the problem was graphically outlined by one of the great newspapers in my home State, the Tampa Tribune, on September 1, 1970. Here's what the Tribune editorial said:

THEY ARE NOT FOOLING: THEY MEAN MURDER

A policeman was killed by black militant attackers and six other officers wounded in shootouts with Black Panthers in Philadelphia during the weekend. An embassy and foreign information office in Washington were firebombed. A large store of weapons was seized from a Jacksonville naval arsenal.

Four policemen were ambushed in Riverside, Calif. Officers were wounded in New York City. Earlier last week a police station at Burlington, Mass., was bombed and the Army's Mathematics Center at the University of Wisconsin was blown to bits by high explosives.

Philadelphia Police Commissioner Frank L. Rizzo has a name for the violence in his city: anarchy. It applies equally well to the growing destructive acts by young revolutionaries from coast to coast.

The Philadelphia gun battles came in raids on Black Panther centers where many weapons and 1,000 rounds of ammunition were seized. Panther buildings were plastered with signs: "Death to the Pigs."

A Philadelphia park police guard was killed in an attack which police said was part of a plot to "blow up a police installation and kill pigs."

The Philadelphia violence by black militants was part of a pattern of anarchy. Grenades used in the attack on the park officer

were stolen from Fort Dix, N.J., last year. Other grenades stolen from Fort Dix have been used to destroy 15 city vehicles in Philadelphia.

There's little question the 154 pistols and seven carbines seized by a band of five black bandits from the Jacksonville naval arsenal will wind up in the hands of a gang bent on destruction. It should be noted that on July 27 the National Guard armory at Jacksonville was robbed of more than 100 small arms.

There also is a pattern to the Washington bombings. Four Latin American embassies were firebombed July 2 and a pipe bomb damaged a room at the Inter-American Defense Board the day before. The weekend bombings were preceded by a letter of the type used in New York City bombings last spring. The letter announcing the bombs would go off was signed by the Revolutionary Action Party.

Are these attacks the work of sincere but misguided social reformers? There's about as much tie-in between these acts of violence and social justice as there is to connect Red China's Mao Tse-tung with capitalism.

This militancy is no kid stuff. These young hoodlums of the revolutionary world are well financed and managed. Witness the far-ranging travels of Black Panther leaders and SDS members fleeing to escape arrest.

The pattern of destruction which became so clear this weekend is not confined to the United States. The skein of revolution crosses national borders and runs throughout the world.

Columnist Victor Riesel, who describes on this page the terror tactics in India and Ceylon, has been reporting for months how the youthful plotters fit into a world-wide scheme. Riesel has pointed out that the anarchists are being trained, directed and financed by Red China and to a lesser extent by Russia.

The revolutionaries are deadly serious in their intent to destroy the United States. The sooner the public recognizes these apostles of violence for what they are, the quicker will the wave of anarchy be put down.

This applies particularly to those foolish people in colleges and certain elements of the cultural world who drape their arms about the poor, misunderstood Black Panthers, and give money-raising cocktail parties for them.

The hand holding a cocktail glass at a do-gooder party is the same one that can throw a Molotov cocktail in the name of revolution.

EXTREMIST TACTICS CANNOT BE CONDONED

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. ANDERSON of California. Mr. Speaker, the first amendment of our Constitution guarantees each of us in the United States free speech. Free speech—a basic right which separates our form of democracy from the Fascist dictatorship or Communist totalitarianism—is ours because of the wisdom of our forefathers and the blood of our heroes. Free speech is the creed of our political faith. Free speech must be preserved for it assures the survival and the success of liberty.

But, free speech is a two-way street and it has its limitations. Free speech does not entitle a man to falsely shout fire in a theater and cause panic. Free

speech does not entitle a man to disrupt order and the tranquillity of others. Free speech does not entitle a man to use obscenities that offend our citizens.

Free speech must be respected. A person must realize that free speech entitles others to speak; free speech also means the freedom not to listen.

Mr. Speaker, a practice which has become popular with extremists has been the shouting down of persons of different persuasions. A small minority—appointed by no one, representative only of the lunatic fringe who want to destroy America—can disrupt and cause the vast majority to be silenced. This tactic is reminiscent of the Nazis in Germany and the Red Guard in Communist China, and we cannot accept it in a free society.

I condemned this practice when they turned their ire on Presidential Candidate Hubert Humphrey. Equally, I have condemned this practice when raucous mobs have attempted to shout down our President and Vice President.

Vice President AGNEW, while speaking at a rally in Michigan, was almost drowned out by boisterous extremists who specialize in chaos, and who communicate with language punctuated with four-letter words. This kind of conduct is the antithesis of free speech and it must not be condoned.

I assure you, Mr. Speaker, disagreeing with the rhetoric of our Vice President and the policy of our President is no excuse for violence, nor is it an excuse for disrupting free speech.

If those who resort to these tactics believe they are furthering the cause of peace, they are wrong. A person is not converted simply because he is silenced. Peace will come, through constructive action and thought—not through violence and destruction.

ENERGY CONVERSION FUEL CRISIS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. HANNA. Mr. Speaker, the crisis in the Nation's energy conversion industries has now reached emergency proportions. These industries, facing an unprecedented shortage in fuel reserves, are at a crossroads which may well determine the health and well-being of the American people in the coming winter.

In a recent report, a public utility in Vineland, N.J., stated that it would have to shut down 80 percent of its plant production by October 1, "unless the U.S. Government orders priority to utilities for oil deliveries."

The Tennessee Valley Authority reports that it has only 10 to 12 days of reserve fuel—it normally maintains a reserve for 60 days. In addition, the TVA notes that its costs for coal have almost doubled since the beginning of the year.

These conditions can be traced to a number of causes—problems in the coal mines relating to production capabilities, workers' rights and needs, and decreas-

ing output, as well as a continuing drain on supplies from exporting activities. Not the least of these problems is the President's recent decision to retain the oil import quota system. This has directly contributed to the problems of these industries as it has limited oil supplies and thereby even further increased already inflated prices.

More significant than these specific causes, however, is the wherewithal to alleviate this critical situation. In this instance, the Congress may have been wiser than the President anticipated in enacting authority to set wage and price controls in the recently approved extension of the Defense Production Act of 1950, for it is precisely such powers which must be utilized in this regard.

More than 1,400 publicly owned power utility companies have pleaded with the President to exercise his powers and establish "a system of allocation of scarce fuels this winter based on public usage and essentiality to public health and safety and national defense." I add my voice to theirs.

DR. MITCHELL RABKIN, M.D.

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 18, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, I recently received a letter from Mitchell Rabkin, M.D., which I would like to share with my colleagues. Dr. Rabkin is a distinguished physician presently serving as the general director of Beth Israel Hospital in Boston, Mass., one of the finest hospitals in the Nation. The fact that a physician of his stature has taken so much of his time in composing this letter indicates that it is well worth our consideration.

I believe, Mr. Speaker, that his remarks speak to important contemporary problems, the difference in cost to the patient between hospital treatment in teaching and care at a community hospital and related cost problems in the medical profession. In view of the high costs of hospital medical attention, I believe his comments explain simply and concisely the facts behind the charges to the patient. I also feel that his letter provides excellent guidelines to the citizen which can help him in deciding which type of hospital can best provide the care he requires.

Perhaps in our dismay over the present high costs of treatment, we have tended to overlook the low wages paid to hospital personnel in the past.

Medical insurance is a privilege not provided to all of our citizens. The cost of coverage is prohibitive for many, yet their medical needs continue. It is imperative that medical care be a service for all, regardless of income. I believe that the national health insurance plan which I am cosponsoring with many Members of this Congress would allow all of our citizens to receive the attention they need.

I would like in addition to ask my colleagues to pay special attention to the conditions manifested in our teaching hospitals by the administration's cut in research funds. Inflation is indeed a problem that must be combated, but certain priorities must withstand budgetary cuts. The loss of research funds has repercussions which endanger the entire medical field. The general public is denied the rewards of research, yet research is not all that suffers. Patients are denied the care of the physicians that must seek work away from the teaching hospital. Our medical students are denied the benefit of being taught by these superb minds. This situation is extremely serious and deserves the attention and consideration of my colleagues.

I am, therefore, pleased to insert Dr. Rabkin's letter in the RECORD at this time:

BETH ISRAEL HOSPITAL,
Boston, Mass., August 11, 1970.

HON. THOMAS P. O'NEILL, JR.,
Rayburn Building,
Washington, D.C.

DEAR REPRESENTATIVE O'NEILL: I would like to reply to your letter of inquiry to Blue Cross concerning the hospital bill of your son, because it raises several important questions that warrant airing.

The essence of your inquiry is, as I see it, why is it so costly to receive care in a teaching hospital compared to a community hospital. Experience shows that it may cost up to twice as much to be hospitalized in one rather than the other. The added cost lies mainly in the greater number of personnel and in the enlarged collection of costly diagnostic and therapeutic equipment in the teaching or university hospital.

Throughout the United States, there is an average of 2.8 employees per general hospital bed. If one examines the 200 teaching hospitals instead of the 6800 community hospitals from which that figure mainly derives, one finds nearly doubling of the ratio of employees to patients. At Beth Israel Hospital, for example, our budgeted complement is 1,480 full-time equivalent positions for 352 beds and 62 bassinets. Making up these additional numbers are full-time staff physicians and house officers (interns and residents); technicians, nurses, aides, etc., to perform the complex or unusual procedures unavailable in community hospitals; and personnel for teaching.

Since the teaching hospital provides care for the very sickest of patients, twenty-four hour physician coverage is a necessity and unavailable without house officers. Indeed, the sickest of today's patients is often so carefully monitored by our advanced technology that critical professional decisions may be called for on virtually a moment-to-moment basis. Without the presence of full-time staff physicians and house officers, the patient's need for medical responsiveness would not be met.

Today's teaching hospital carries out diagnostic and therapeutic procedures of extraordinary complexity, often involving teams of half a dozen or more, not uncommonly lasting several hours. To carry out such studies well-trained teams are required, above and beyond the expertise available at the community hospital. To cite another example, the capacity to do the blood test rarely called for but critical when required demands an added depth of personnel. The problems accompanying the indigent and socially unskilled require a Social Service department far beyond that needed to help the average citizen in his local community hospital. One can draw upon many more specific examples of the teaching hospital's need for added personnel.

The justification for the existence of teaching staff lies in the fact that the arena of interest of the teaching hospital extends both geographically and temporally beyond its walls. We are concerned with the care and facilities available to the patient before he needs hospitalization and following his discharge. In addition, we are concerned with not only the quality and availability of such assets in the future but their nurture as well, and this requires a significant investment in teaching. Our motto puts it crisply: Beth Israel Hospital—concerned with today's illness and tomorrow's health. Concern over tomorrow's health dictates not only the training of tomorrow's health care personnel. It calls for the development and setting of high standards of care which will be benchmark for the community hospital tomorrow. It includes the research to understand today's illness and develop methods of treatment and prevention. Parenthetically, there is no doubt that the presence of house officers and the existence of an excellent teaching program make for care of higher quality. It is moot, however, whether such cost should be largely the burden of the sick.

It is not true that elevated costs in the teaching hospital reflect support of research by patient care fees. In fact, the reverse is the case. In addition to our operating budget, we have a research budget of about \$2.5 million. These research funds support a number of physicians who provide some direct care, a good bit of consultative service, a significant amount of special diagnostic clinical study, and a great deal of teaching—all of direct benefit to the patient in the teaching hospital but not appearing on his bill. One of the most serious problems we have today is the cut in research by the Federal government. Not only does laboratory research become abbreviated, but the availability of these superb physician-scientists for care and for teaching functions fall off proportionately.

It is also not true that the teaching hospital, being larger than most, tends to be less efficient. The reverse is more likely so, since the teaching hospitals tend to attract the best fiscal and administrative managers. To illustrate, consider our budget for the year ending 30 September 1970. It was generated during the summer of 1969, some fifteen months earlier. At that time we predicted operating expenses of \$11.656 million in salaries and wages. It appears that the actual figure will be \$11.697 million. We predicted that we would pay \$7.066 million for supplies and expenses; it appears that that figure will be \$7.356 million. In a business with operating expenses near the twenty million dollar mark, careful line by line budgeting, excellent monthly reporting of both dollars and activity statistics, and effective decision-making resulting therefrom are necessary to wind up with figures as close as these. The basic issue is not one of management but rather the presence and the costs of personnel and equipment.

One final thought on costs of personnel is this: with the development of third party reimbursement, hospitals were finally able to start paying their employees a wage competitive with that in comparable "industries." Originally, the care of the sick had been a function of the Church and, as you know, the compensation for doing God's work tends not to emphasize materiality. The burden of history lightens but slowly, it seems. When you think about it, what we were doing years ago was extracting an involuntary contribution from all hospital workers who received considerably less than their peers working elsewhere. Curiously, those who could least afford it were taxed the most—an individual receiving \$1.00 an hour when the minimum wage was \$1.50 was pressed involuntarily into giving one-third of his deserved income, a relative con-

tribution far in excess of that from even the most generous philanthropist.

Equipment costs, particularly for complex procedures, have gone sky-high. A cardiac catheterization unit costs about \$200,000. It replaces perhaps \$15,000 of X-ray and fluoroscopy equipment. The new procedure requires four hours and a team of several professionals; the old took far less time of patient and personnel. Worse yet, the pace of technical advance will render this new equipment obsolete in perhaps six years. If one were to do two four hour procedures every weekday, he would be obliged to charge \$75.00 per procedure merely for the cost of replacement, assuming that there were to be no further inflation and assuming that technological advance did not demand an even more costly device in the future.

It becomes clear then that the teaching hospital should best be used only by the sickest patients derived from the widest community and, rationalizing even further, that the teaching hospital should best be used by such patients only during the very critical aspects of their illness. The less critical patient should derive his care from a facility of lower intrinsic cost, less costly because of the absence of the extraordinary additives listed above. The patient should be reassured during his stay at this lower cost facility that his care will be of a quality requisite to meet his need and that, should his need increase, he will be readily referred to a more complex (and more costly) institution which will adequately meet his increasing demand. To personalize care in such a system, the patient's physician should be able to move with facility from one institution to the other.

Your son, as a patient in a teaching hospital, was obliged to share in the costs of the many availabilities existing here, even though his procedure did not require their use. Perhaps you chose to trade-off the relative increase in costs for the assurance of the highest standards of care or that of the availability of all the special forces we can muster at BI. Or perhaps you were simply referred to a particular surgeon who happens to use this teaching hospital. Perhaps you opted for Beth Israel Hospital because of its attempt to provide children with as warm, comforting, and reassuring an environment as possible. To the extent that you were enmeshed in a system not fully rationalized (in the industrial engineering sense), you were enmeshed in a scheme where you were charged for more than you needed (that is, potential availability of expertise) and more than you most likely even required to have instantly available. Yet our pediatric service must pay its share of the "overhead" of increased personnel and equipment, that is, increased availability of expertise to help the patient with dire illness.

Thus the problem lies in the distribution of resources amongst the several hospitals of a geographic area, in forming a pyramidal structure of increasing capability (and cost). But it also lies in the distribution of patients amongst these several hospitals (and their dissemination from the very base of the pyramid, the individual doctor-patient relationship, the basic unit of primary care). One of the most important activities at Beth Israel Hospital over the next decade will be the establishment of closer relationships with community hospitals in order to rationalize better the delivery of care, in order to permit movement of patients from one institution to another with ease, in relation solely to the need of the patient, but without loss of his personal identity or his relationship with his doctor.

To turn now to your questions on specific items: The operating room charge is a function of time and represents a figure derived from realistic cost accounting. It is reviewed by several sets of auditors. The rate is \$72.00 per thirty minute period. The time includes

the beginning of the procedure through cessation of close monitoring in the recovery room, not simply the "skin to skin" time of surgery. I gather someone told you that the procedure took but half an hour and this may very well have been true for the deft surgical part. The anaesthesia record begins at 12:35 p.m. and goes to 1:35 p.m. The recovery room record of vital signs begins at 1:45 and ends at 2:00, by which time [your son] was awake. While he was observed in the recovery room until 2:45, the total charge was derived directly from the eighty-five minutes of close monitoring required. At \$72.00 per half hour period, the \$216.00 figure is explained. The anaesthesia charge is similarly cost accounted, relating to the complexity of the procedure involved and the duration of anaesthesia. In this instance, the anaesthetist's attention was required for about one hour, and that activity is what the fee is derived from.

While my general comments may have explained the reasons for the room and care rate of \$75 a day for a semi-private room, they certainly do not excuse any lack of cleanliness in the room. This is an unrelated problem for which I must apologize, citing the difficulties in insuring that large numbers of people follow their work routines invariably and do so with diligence. Believe me, we do pay attention to the quality of our patient's environment, trying to circumvent the limitations of a forty-two year old building (the pediatric floor). The presence of art prints, imaginative use of color in newly repainted areas, the use of sound absorbing tiles in new ceilings, etc., attest to our efforts toward that end, even though there remains much to be done.

In the last analysis, Mrs. ———, you were fortunate not only because your son's surgical procedure turned out well but because the bill was paid in its entirety by your hospitalization insurance. You know now that the bill included not only the cost of direct care but the costs we incur for maintaining the potential to treat far more complex problems and also, in part, some of the costs we incur to teach the physicians, nurses, other health care workers and students. But while the majority of citizens do have some third party insurance, the majority of dollars in health care bills in this country are not paid for by insurance. This means that much of the costs of maintaining extraordinary resources for the complex patient and much of the costs of training are laden more heavily on the sick than they are throughout the population. It is a situation as unfair as requiring only those who have fires to pay for the fire department. It also means that there are many who cannot afford health care today. Thus the issues become not only those of distribution of care and the sensible dissemination of patients to extend the efficiency of the care, but also the distribution of financial responsibility more broadly than exists today so that the care we should provide can be afforded and received by everyone, regardless of his individual circumstances.

I am sorry to burden you with so long a reply but the issues you raised are of great consequence. There is more to it, of course, than described in this letter and I would be happy to go into further detail if you are interested or if you have some further questions to pursue. Your interests and ours in such matters are certainly shared and there is no reason why the facts should not be as well.

I hope that ——— is fully recovered by now and views his hospital experience with an aplomb and savoir-faire that favorably attests to the thoughtful concern of both his parents and the Beth Israel Hospital.

Sincerely,

MITCHELL T. RABKIN, M.D.
General Director.

THE LATE FRED EARWOOD

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. FISHER. Mr. Speaker, under leave to extend my remarks I insert an excerpt from the April 1969 issue of Texas Sheep and Goat Raiser magazine.

The article follows:

A TRIBUTE

(By O. C. Fisher)

Of all the people with whom I have dealt, the late Fred Earwood was the most unforgettable and irreplaceable one person I have ever known. There's an old saying that "no one is indispensable." And it is true. But there is a difference between being indispensable and being irreplaceable.

Fred Earwood could be called "Mr. Wool," "Mr. Mohair," or "Mr. Ranchman," and each appellation would be remarkably appropriate. That was his life—breeding, sorting, buying and selling sheep, goats, wool and mohair. In each respect he was pre-eminent. The quality of the sheep and goats he raised and improved long ago became legend. Even Earwood cut-backs were sought by those with a flare for excellence.

While amazingly successful in his own business, Fred was essentially a servant of others—a form of service for which he was rarely ever paid. That was the way he wanted it. That was the only way he would have it. Seeing others benefit from the application of his expertise was compensation enough.

How many ranchmen can testify about hours spent by Earwood at their cutting chutes, dividing their sheep and goats for disposal of cut-backs, and then advice about replacements?

To be sure, the tens of millions of pounds of mohair and wool he sold on assignment meant normal income for the warehouse he managed. I have in mind that extra service, those extra hours he gave—whether at a ranchman's corral or while bantering buyers to pay an extra cent or two per pound for that man's clips.

In the latter respect his talents were exceptional. He knew market trends and watched them with the eye of an eagle. He read the trade journals each day. When it came to making a sale, the buyers knew that Fred knew what he was doing. They trusted his word about what he had to offer and they respected his knowledge.

More than once Fred has telephoned me in Washington to find out what the Turkish and South African mohair stockpile amounted to at a given time. He, like all alert mohair salesmen, had an eye on the export market.

The day following Earwood's death, Hugh Munro, dean of the Boston buyers, came into my Washington office to express his sorrow. "Fred Earwood knew wool and mohair like few other men in his time," he commented. "He was undoubtedly the best friend the growers had."

I recall an example of this. During World War II our government purchased a quantity of Turkish mohair to keep the Germans from getting it. It was shipped—some 6 million pounds, as I recall—and put in storage.

After the war ended, it was feared the imported supply would be dumped on the market. Fred kept the telephones to Washington and Boston busy as he plead for restraint in plans for disposal.

Disposal as related to quantities and qualities could make a major difference. There was no inventory or breakdown with respect to kid hair, grown hair, and other assortments.

It was agreed that an inspection was necessary. Who was to do it? Growers were wary of bureaucratic findings. It was finally

agreed by growers, the trade, and the government—that Fred Earwood was the one man in America who could be trusted by all of them to do that job. He did it, carefully and laboriously sorting fleece after fleece, sack after sack of sampling—with the eye of a true expert.

His findings were readily accepted, and his recommendations for painless disposal were agreed to. The mohair was sold in limited amounts so as to do the least harm to the market. The mounting concern was eased, and the effect of the sales on the market was hardly noticeable.

I have seen Fred Earwood match wits with government wool and mohair experts on more than one occasion. They could never cope with his cold logic, that vast storehouse of useful experience and knowledge which he would draw upon. As a general rule they would come around to his way of thinking.

A book could be written (as indeed one should be) about Fred Earwood's varied contributions to the industry and to individual growers. The night was never too dark, the hour was never too early, the distance was never too far, for Fred to go that extra mile in behalf of an industry he loved and the growers to whose interest he was devoted. Who ever heard of Fred Earwood taking a vacation?

He was in the true sense a square shooter. His word was his bond. The smallest producer got the same treatment as the biggest one. His judgment was rarely ever questioned.

Fred honored every man for his face value, and he was instinctively a good judge of men. He placed implicit trust in every man whom he knew deserved to be trusted. He maintained a proper aloofness from the others, always polite and discreet. He helped untangle many a problem for a distressed ranchman, covering nearly anything from a domestic quarrel to a financial jam.

Speaking of Earwood's mannerisms, an intimate recalled: "If someone would say something slightly derogatory about one of Fred's friends, Fred wouldn't argue. More often he'd just stare at the man in cold silence."

During his lifetime Earwood probably sold more breeding stock sight-unseen than anyone. I recall buying a bunch of young ewes from him one time. I never saw them until after they were trucked to my ranch 75 miles away and unloaded. Two or three years later range got short and I sold some ewes to a neighbor.

"Where did you get 'em?" he asked. "They're mostly Fred Earwood sheep," I replied. "I'll take 'em!" he snapped—and he did so, sight-unseen.

For years to come, ranchmen and cowboys, as they meet in shearing sheds, in warehouses, and over coffee cups, will talk about Fred Earwood.

"Fred would love this rain!" an oldtimer can be expected to observe. Another would say: "I'll never forget one time when my best buck came up with a limp. We tried everything, and I thought sure we'd lose him. Then I got on the telephone and called Fred an' . . ." Still another would add, "There'll never be another like him."

And so in nostalgia the talk will go on and on, year after year, about the truly unforgettable and irreplaceable—the one and only—Fred Earwood.

MAN'S INHUMANITY TO MAN—
HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

STATEMENT OF ANDREW W. CORDIER,
PRESIDENT OF COLUMBIA
UNIVERSITY, ON INVASION OF
CAMBODIA

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. RYAN. Mr. Speaker, it is a little more than 4 months since the President undertook to authorize the invasion of Cambodia by American ground combat troops in complete disregard of Congress. Although American ground combat troops may have been withdrawn, American air power is still being used in support of combat operations in Cambodia. Nor does the withdrawal of American ground combat troops from Cambodia—after the loss of 338 killed and 1,529 wounded—alter the fact that this administration is continuing its pursuit of a military solution to a political problem.

The war continues to expand throughout Southeast Asia. The Vice President, on his recent trip to that part of the world, made clear that the United States would aid Cambodia. A figure of \$40 million is being discussed. The story is a familiar one—and a dire one.

One of the most cogent statements which I have read with regard to the Cambodian invasion, and the wider war of which it is a part, was that made by Andrew W. Cordier, president of Columbia University, at a May 4 peace rally held on Columbia's Morningside Heights campus, which is in the district which I represent. I would particularly note a small portion of President Cordier's statement, for I believe that it so well and so clearly expresses the feelings which I have expressed and fought for in this Congress. President Cordier said:

The conflict is for the Vietnamese a disaster, and the expenditure of American lives and resources in that conflict is totally unwarranted. Our men must be brought home. The squandering of their lives in Vietnam and Cambodia must stop. The massive resources used day by day in support of American military involvement should be redirected with all possible speed to support major programs in our own crisis-ridden cities.

These words of one of the leaders of the academic world, of the community which I represent, and of the entire country, should be well noted. I commend them, and the remainder of President Cordier's statement, to my colleagues. The statement follows:

STATEMENT BY ANDREW W. CORDIER, PRESIDENT OF COLUMBIA UNIVERSITY, CONCERNING THE EXTENSION OF AMERICAN MILITARY INVOLVEMENT IN SOUTHEAST ASIA

I join with millions of Americans, including students and faculty on this campus, in expressing shock over further American involvement in the Vietnam war through the

extension of military activity into Cambodia and the renewed bombing of North Vietnam. These steps were described as necessary to provide for the continued withdrawal of American men, but this argument is contradicted by past experience. In fact, these steps are more likely to lead to still further American involvement in the conflict as well as an increase in the number of participating parties.

Although military victory has not been explicitly stated as the end objective of American action in Vietnam, it is clear from the character of the steps taken that this is the goal being pursued. But this objective is untenable.

We must of course make a moral judgment about any military action we undertake and in addition to this we should not forget that the older concepts of military victory, and of the fruits of victory belong to societies of the past. This is particularly true in heterogeneous societies, like Vietnam, cursed by deep and bitter social divisions and lacking the benefits of well-developed social and political institutions. If territorial advantage gained at some point in the military effort is to be preserved, it must be followed by decades of costly and unpopular occupation. Such occupation is self-defeating since it shores up artificially the strength of weak regimes and in fact delays the ultimate time when a nation must stand on its own feet and build indigenous institutions to insure the stability and progress of the country. Thus, a long-range view of Vietnam's predictable future, at least as related to external military aid, leads to the conclusion that the American military effort in Vietnam is and will remain futile. It is a quagmire from which we should free ourselves.

The conflict is for the Vietnamese a disaster, and the expenditure of American lives and resources in that conflict is totally unwarranted. Our men must be brought home. The squandering of their lives in Vietnam and Cambodia must stop. The massive resources used day by day in support of American military involvement should be redirected with all possible speed to support major programs in our own crisis-ridden cities.

Vast changes are taking place both in domestic and in world society. It is a matter of elemental wisdom to respond intelligently to these changes and in fact to anticipate them. In world society we shall find ourselves frustrated and defeated unless we respond on a broad front to the peaceful challenges that exist in that society. Here the soil is rich for the achievement of a new and justifiable national pride different from the national pride based on military achievement which we have seen over the last 190 years.

We should as a nation make clear that we join in a common cause with an ever-widening circle of other nations in the pursuit of a wide and enlarged range of peaceful objectives including the economic, social, and educational advancement of all peoples, and therefore of their political stability. The world is yearning for this acceptance by America of a vibrant and effective role in the world community. In turn, America's engagement in this role would make her more effective in alleviating the tensions of international disputes. I crave for our country a full understanding of our prospects for leadership and partnership, and a wholehearted acceptance by our government and people of these objectives.

Such multilateral participation in non-military objectives stands in strong contrast to our largely unilateral military efforts in Vietnam. When our nation withdrew from the Geneva conference on Vietnam in 1954, we began to follow a course of action that has never been reversed and, which has from the outset weakened those cooperative international diplomatic efforts that could have been marshaled to avoid the tragic consequences of the Vietnam War.

For generations Americans have believed that we could achieve anything to which we directed our interest and attention. This is a fantasy. While our resources are great, they are not unlimited. It is therefore a matter of extreme necessity for us to shape our priorities, and direct a much larger share of our resources into domestic areas where acute problems are in fact becoming steadily worse. In a nation that has become largely urban the problems associated with our cities become more severe. New housing is not keeping pace either with increasing population or as replacement for obsolete housing. If equal opportunity for minority groups is to become a reality, massive financial support will be required. The problem of unemployment, particularly the training of great numbers of people for effective employment, is a matter of deep national concern. To make our homes and streets safe for our people, more resources must be devoted to the causes and prevention of crime. The tragic increase in drug abuse requires careful scientific study, effective law enforcement, and therapeutic programs far beyond their present scope. Education at all levels from the kindergarten to our graduate schools, in urban communities and in rural areas, will require much greater support. These and other matters of profound concern to the American people call for greatly increased public funds. Resources now committed to our intervention in Vietnam and Cambodia should be redirected.

The extension of American military operations into Cambodia reveals once more how difficult it is to contain such military conflict and the ease with which it can be extended. It has been previously the stated aim to quickly seek out the enemy in his protected sanctuary and destroy his headquarters, but this goal has proved elusive. From the beginning this has been an unconventional war, marked by unfixed battle fronts and sporadic and frequently accidental occasions of conflict. Under these circumstances the presence of American troops in Cambodia is likely to be prolonged beyond the proclaimed intentions. If so, more lives will be lost, more resources will be dissipated and further involvements will be risked.

It is necessary that we express our views on this vital concern to the American people and at the highest levels in the Federal Government. I hope that all of us who feel strongly about ending this tragic war will act in such away as to honor our goal and hasten its fulfillment. I believe millions of Americans, many quietly and in their own ways, share our concern. Let us act so as to draw them to our causes and bring peace to our land.

APPLY NOW FOR ACADEMY EXAMINATIONS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, as a former member of the board of law examiners of Allegheny County, Pa., I have taken a keen interest in the appointment of applicants for the U.S. military academies, as well as the Merchant Marine Academy.

In order that every young man in our district, without politics or favor, may have a chance for these fine appointments, I am making arrangements that adequate notice of the U.S. civil service examinations be given to the homes of our district.

These civil service examinations for the U.S. academies are now scheduled for Saturday, October 3, and Tuesday, November 3, 1970.

My letter is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 15, 1970.
(Not printed govt. expense. Sent as added service to my District)

DEAR FRIENDS: I am writing to let you know that this is now the time when applications can be made to me as your U.S. congressman for the Civil Service Exams to be held October 3 & November 3. These exams are for Congressional appointments from our District to the 4 US Academies, based solely on ability and mental & physical qualifications. These are fully paid four year scholarships at Annapolis, West Point, & the Air Force, & Merchant Marine Academies,—engineering degrees.

Our office works hard, each year, on a program to get good student candidates, now seniors in high school, graduating in June 1971. While each Congressman is allotted one principal appointment to each military Academy, annually, we got appointed to the Academies from our District in the past four years, 36 cadets, one of the highest in US! 15 cadets to Annapolis, 9 cadets to Air Force, 8 cadets-West Point, 4 Merchant Marine Academy cadets.

So there is good opportunity for appointment! Let me hear from any good recommendation, & our office will contact the young man, & send him an application.

Sincerely,

JIM FULTON.

Deadlines—Oct. 1 for Oct. 3 exam, Oct. 13 for Nov. 3 exam. Place—new Post Office Bldg. Pgh.

A KNOWLEDGEABLE LOOK AT CONSUMERISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. RARICK. Mr. Speaker, our people hear much these days about "consumerism" and the promised goals of so-called consumer pressure groups. Since the self-styled spokesmen of consumerism claim to speak for all of us, I feel these unelected leaders and their self-selected goals are entitled to some scrutiny and discussion.

Most Americans realize that there have always been short-change artists, unbalanced scales, cutrate specials, and other frauds practiced upon the buyer. I think it is reasonably safe to say that such thievery has been going on in the marketplace from time immemorial. Many solutions and deterrents have been proposed but the most successful has been that the consumer once stung does not repeat. He or she goes elsewhere. This is called experience. It cannot be bought, taught, nor legislated.

Certainly many consumer announcements and proposals have merit. On the other hand, some of the crusade objectives are absurd to the extent of constituting an insult to every housewife in our land. For contrary to the contemporary rationalizations of some, most housewives and consumers who work hard for their money have enough com-

nonsense to know what they want to buy without some Government bureaucrat taking their hand and leading them to the nationalized noncompetitive store stocking no choice of products to pick from. That is why bars of soap have different colored wrappers and various scents.

Many people are awakening to realize that some consumer movements have become quite profitable—especially to the leaders. While others, promoting seemingly worthwhile causes, appear far more interesting in developing impossible political issues and organizing a new bloc vote than in accomplishing results. Then there are those few informed onwatchers who have pierced the veil of emotional do-gooderism of helping consumers and see the threat from the national socialist movement dedicated not at helping the buyer but to a fully nationalized economy—full wage, price, and market control. And to that end the consumerism movement is contrary to the bonafide interests of the consumer whose only true source of relief is through competitive free enterprise.

A thoughtful approach to the many current efforts to organize consumers for exploitation as a potent political force has been prepared by Mrs. Shirley Scheibla, an able and knowledgeable consumer-author. Her article appeared in four parts in the Barron's magazine as a series from August 17 through September 14, 1970.

Mr. Speaker, I feel that Mrs. Scheibla's articles contain such documented information as to be of interest to our Members and I include them following my remarks:

DECEPTIVE LABEL—THERE'S MORE TO "CONSUMERISM" THAN MEETS THE EYE

(By Shirley Scheibla)

"There is a curious belief growing up that consumers are some group apart and that there are some specially anointed people who are the only ones who can speak for them. Neither you nor I can speak for consumers, they feel, unless we belong to the required organizations. . . . Well, I don't believe it. We are all consumers. We are all equally important because we all have an equal interest." (Caspar W. Weinberger, Former Chairman of the Federal Trade Commission and deputy director of the Office of Executive Management and Budget.)

WASHINGTON.—Congress is on the verge of ushering in a new era of consumer legislation that is likely to wind up hobbling what is left of free enterprise. In scope and potential impact, the avalanche of over 150 consumer bills introduced during the current session compares with the New Deal legislation of the 'Thirties which ushered in the era of big government.

Of the pending measures, three are especially noteworthy. First is the Consumer Class Action Bill, which was approved on July 28 by the Senate Commerce Committee. It would allow consumers to sue in federal courts as a class when they suffer individual damages of as little as \$10. The House Interstate and Foreign Commerce Committee at any moment is expected to vote out a similar measure.

LEGAL BLACKMAIL

According to Caspar W. Weinberger, former chairman of the Federal Trade Commission and newly appointed deputy director of the new Office of Executive Management and Budget, the bills are "an invitation to legal blackmail." He adds that "somewhat less

than responsible practitioners" could put together a small group to sue on behalf of everyone in the country who bought a product found to be faulty. While industry representatives say the possible legal harassment and financial damage to industry are incalculable, they admit privately that they don't expect to be able to defeat the measure.

Under current law, individuals must suffer damages of at least \$10,000 before entering federal class action suits. Most states do not allow consumers to sue as a class, while 13 ban class action suits altogether.

The second major piece of legislation, the Consumer Protection Agency Bill, would create an independent agency with subpoena powers and authority to advocate consumer causes before federal regulatory agencies and in the courts. It would be a significant addition to the growing arm of administrative government which is not under the control of the Executive branch. Subcommittees in both the House and Senate have approved the bill.

Finally, unprecedented control over industry could arise from the Administration's proposal for a new Environmental Protection Agency. The idea is being pushed by Russel E. Train, President Nixon's chief environmental adviser, who played an important role in the consumer movement before going to work for the White House. The idea was presented to Congress only last month, and goes into effect in November unless vetoed by Congress, which is not expected to exercise this power.

Consumerism, of course, is not confined to the halls of Congress. It already has substantially influenced the operation of the administrative arm of government. Plainly the time has come for a thorough study of the people and organizations involved in the consumer movement, what they have accomplished and what they seek to achieve.

One fact that swiftly emerges is "consumer advocates" actually represent in the main consumer cooperatives and labor unions. They tend to focus on flaws which can be blamed on the capitalist system, and ignore such matters as restrictive work practices and international commodity agreements which boost retail prices.

The original consumer testing organization, Consumers' Research, was established by F. J. Schlink in 1928. Under Mr. Schlink, it still performs a highly competent testing service and has a circulation of 100,000 for its monthly Consumer Bulletin. It has questioned many of the tactics and conclusions of the present consumer movement and its leading spokesman, Ralph Nader.

According to Consumers' Research, in 1935 a dissident group of employes "organized themselves into a section of the Office Workers' Union," and tried to gain control of the organization through a violent strike; one of the demands was selection of the Board of Directors. When Mr. Schlink refused to yield, the strikers formed a rival organization, Consumers Union.

UNITED FRONT GROUPS

Colston E. Warne, the first president of Consumers Union, still holds the post. His record of association with organizations friendly to Communism, like the American League Against War and Fascism, the American League for Peace and Democracy and the National Federation for Constitutional Liberties, dates back roughly to the beginning of Consumers Union. According to the testimony of J. B. Matthews, a widely-acknowledged expert on Communism, before the House Special Committee on Un-American Activities (Dies Committee) in August 1938, Consumers Union sprang from a decision of the Communist Party in 1935 "to launch a whole new series of united front organizations dealing ostensibly with the interests of consumers." Other groups which he named included the Milk Consumers Protective Committee, Consumers National Fed-

eration and the League of Women Shoppers. Persia Campbell, now a member of the board of Consumers Union, used to be executive secretary of the Consumers National Federation.

Subsequent investigations indicated that Consumers Union had carried out the 1935 aim described by Mr. Matthews. In 1942 the Pennsylvania Commonwealth Counsel cited it as a Communist front. In 1943 the California Committee on Un-American Activities called it "a Communist front set up by Susan Jenkins, former employe of The Daily Worker; Walter Trumbull, who had been court-martialed in 1925 and sentenced to a 26-year term as a Communist attempting to bore from within the United States Army; and Arthur Kallet."

DIES COMMITTEE

A report of the Dies Committee dated March 29, 1944, cited Consumers Union "as a Communist front headed by the Communist Arthur Kallet, whose party name is Edward Adams. Ben Gold and Louis Weinstein, both well-known Communists, were also members of the labor advisory committee of Consumers Union."

Here is what The Freeman said, in part, in its issue of July 28, 1952, about Consumers Union: "Last year Americans—mostly loyal Americans—paid some \$2,500,000 into the coffers of a Communist front, the Consumers Union of the U.S. Inc. The organization's monthly magazine, Consumer Reports, has secured half a million subscribers since its founding in 1936. (Today its circulation is 1.8 million, Consumers Union told Barron's.) The pro-Communist origin and slant of Consumers Union (CU) has been exposed intermittently for a decade, yet its influence continues to grow. While other Communist fronts have been changing color or withering beneath the glare of unfavorable publicity, CU has led a charmed life.

"Perhaps no single fact illustrates the confusion of the present Administration [Truman] more aptly than that—though Consumers Union is [was] listed five times by the House Committee on Un-American Activities as a Communist front—the Office of Price Stabilization, an agency of the Executive Branch, actually has appointed Mrs. Jean Whitehill, managing editor of Consumer Reports, to serve on the OPS Consumer Advisory Committee for the nation.

"During its 16 years of existence, Consumers Union has grown from a small offshoot of Consumers Research (which is definitely not Communist) into the dominant consumer movement in the nation, virtually blanketing the libraries—educational and public—and even gaining some acceptance among industrial leaders. . . .

"Although CU is not the entire American consumer movement, its officers are past masters at issuing statements which make it seem that any attack upon their organization is an attack upon the movement as a whole."

In 1953 the board of Consumers Union requested an audience with the House Committee on Un-American Activities and was heard in executive session. What happened during that session has never been made public except for the following statement which the Committee carried in its annual report for 1953:

"Consumers Union, which is the publisher of Consumer Reports . . . on the basis of information in the Committee records, had been cited by the Special Committee on Un-American Activities in 1944. Steps were initiated by Consumers Union through its officers and legal counsel to clarify this situation. After hearings and thorough study, the Committee finds there is no present justification for continuing this organization as one that is cited, and future reports and publications will reflect that this organiza-

tion has been deleted from the list of subversive organizations and publications.

"It cannot be pointed out too frequently that the fact that an organization has been cited as subversive or as a Communist Front does not mean that such citation is irrevocable. Steps such as those taken by Consumers Union can lead to a proper classification by the Committee."

WOULDN'T SIGN OATH

Arthur Kallet, according to public records of the Committee, was a member of the board of Consumers Union at the time it was placed on the subversive list and also when it was removed. In his aforementioned testimony before the Dies Committee August 1938, Mr. Matthews identified Mr. Kallet as one of the leaders in the consumer field for the Communist Party.

CU President Warne's association with questionable groups has not kept his star from rising. In 1947 he served as consultant to President Truman's Council of Economic Advisers and, according to The New York Times of October 31, 1947, became the first government official to refuse to sign a loyalty oath, claiming he did so on principle.

That same year he also was a national director of the Civil Rights Congress, according to The Washington Daily News of November 1, 1947. In letters to the Loyalty Review Board (12/4/47 and 9/21/48) the Attorney General cited the Civil Rights Congress as subversive and Communist, while the House Committee on Un-American Activities, on September 2, 1947 (House Report 1115) stated that the CR Congress was "dedicated not to the broader issues of civil liberties, but specifically to the defense of individual Communists and the Communist Party" and "controlled by individuals who are either members of the Communist Party or openly loyal to it."

On April 1, 1951, the House Committee on Un-American Activities issued a report which showed that Mr. Warne attended the World Congress of Intellectuals at Breslau in Communist Poland August 25-28, 1948. According to The New York World Telegram (7/11/52), Mr. Warne has served on the national committees of two groups cited (in letters to the Loyalty Review Board December 4, 1947, and June 1, 1948) as Communist fronts by the Attorney General; the American League Against War and Fascism and the American League for Peace and Democracy. President Kennedy appointed Mr. Warne, along with the aforementioned Persia Campbell, to the first Consumers' Advisory Council when he created it in 1962.

WORLD CONFERENCE

As president of the International Organization of Consumer Unions, Mr. Warne persuaded three federal officials to journey to Vienna to address the Sixth Biennial World Conference of the Organization held there from June 28 to July 4, 1970. They included Virginia Knauer, special assistant to the President for Consumer Affairs; Mary Gardner Jones, Federal Trade Commissioner; and Mary K. Ryan, a consumer expert in the Federal Trade Commission's Bureau of Deceptive Practices.

To carry out its extensive activities in consumer education, Consumers Union also has educational advisers. One of them is H. H. Wilson, who teaches political science at Princeton University. In 1963 Mr. Wilson testified before the Subversive Activities Control Board in support of an organization known as Advance (now defunct), which the Board subsequently found to be a Communist front. He told the SACB he was one of the founders of the Emergency Civil Liberties Committee and served on its National Advisory Council. In 1956 the Senate Internal Security Subcommittee found it to be a Communist front, a finding subsequently reaffirmed by the House Committee on Un-American Activities.

In 1965 Mr. Wilson participated in the Socialist Scholars Conference at Columbia University, Alice Widener has described the Conference in Barron's as "a radical Marxist braintrust formed in 1965 to work for the destruction of American capitalism."

According to Editor and Publisher (June 13, 1970) Consumers Union has just given a grant to Columbia University's Graduate School of Journalism for a program which "will include a seminar for students, a workshop for consumer affairs reporters, an annual lecture on the state of consumer journalism and a fellowship for a master's degree candidate."

The Cooperative League deserves equal billing with Consumers Union as an older organization with great influence in the current consumer movement. The League, founded in 1916 by James Warbasse, originally was an association of people interested in promoting consumer cooperatives.

From 1925 to 1928, Colston Warne was a member of its board of directors, and Consumers Union, even though not a cooperative, today is still a member of the League. Eugene R. Clifford, director of public relations for the League, explained to Barron's that Consumers Union is a member because it is "cooperative-oriented."

Angus H. McDonald attaches great significance to the impetus for the consumer movement which comes from consumer cooperatives. He is a director of the Consumer Federation of America (to be discussed in a subsequent article) and former president of the National Farmers Union.

"Consumer cooperatives are in opposition to groups distributing products for profit. Production co-ops have a strong leaning toward the profit system and might look upon consumer co-ops as the enemy of free enterprise," he told Barron's.

FARMERS UNION

After studying yearbooks of the Cooperative League from 1930 to 1954, Austin T. Flett in February 1958 told the Senate Internal Security Committee that the 1936 Yearbook stated: "For 32 years, or since its origin, the Farmers Union has proposed the abolishment of the profit system. In order to aid in abolishing the profit system, the union has been busy through these years organizing cooperatively-owned buying and selling agencies . . . We here today pledge each other to be loyal to these principles, loyal to our Farmers Union cooperative business activities, and that we will keep our minds centered on the one supreme task, which is the peaceful overthrow of the capitalist or profit system, and the establishment of the cooperative commonwealth."

Jerry Voorhis became executive director of the League in 1947, when a man by the name of Richard Nixon captured his seat in the U.S. House of Representatives. Mr. Voorhis publicly charged that Mr. Nixon beat him through a smear campaign linking him to Communists. Mr. Voorhis held his League post until 1967 and now is a member of its board of directors.

According to a 1952 report of the Senate Judiciary Committee, Mr. Voorhis in 1950 was a member of the Advisory Board of the American Committee in Aid of Chinese Industrial Cooperatives, which the Committee cited as "Communist-controlled."

MEMORIAL MEETING

Last year Mr. Voorhis sponsored a Norman Thomas memorial meeting, "to remember him and to rededicate ourselves to his ideals." Who's Who says Mr. Voorhis is a member of the United World Federalists. He also is a director of the Consumer Federation and is chairman of its Standing Committee on Credit. In addition he is a director and past president of the Illinois Federation of Consumers.

Walter Sandbach, now executive director of Consumers Union, formerly was president

of the Cooperative League and served on its board for many years before transferring to the other organization. The League says that he pioneered in the establishment of consumer cooperative food stores through the Hyde Park Cooperative Society in Chicago.

David W. Angevine worked for the Consumers Cooperative Association of Kansas City for 11 years before becoming information director for the League in 1953. He left that post in 1966 to accept an appointment as administrator of the Agriculture Department's Farmer Cooperative Service. In announcing his appointment, Orville L. Freeman, then Secretary of Agriculture, said, "The non-profit cooperative technique can help rural residents to achieve their goals." He added that Mr. Angevine would have "general responsibility to help guide rural cooperatives toward greater usefulness through information, educational, promotional, organizational, and advisory means."

While still with the Cooperative League, Mr. Angevine was named in 1962, along with Colston Warne, Persia Campbell and others, as a member of the President's first Consumer Advisory Council. Creation of that Council marked the beginning of a new era of strength and influence for what has now become a very powerful movement.

PART II—VOICE OF THE PEOPLE? CONSUMER SPOKESMEN SOMETIMES SPEAK FOR OTHER INTERESTS

(By Shirley Schelbla)

WASHINGTON.—An executive of Sears, Roebuck & Co. recently phoned the Consumer Federation of America (CFA) to inquire about the possibility of his company becoming a member. He was told by Erma Angevine, CFA executive director, that Sears failed to qualify because it had no consumer program. The Sears man said he thought that Sears, which deals with nobody else, had nothing but consumer programs. But Mrs. Angevine explained that what bars Sears from membership is that it is run for profit. Only organizations owned and controlled by their members—like consumer cooperatives—are eligible to join.

Just what is this organization with its built-in bias against profits, and why would it attract the interest of a company like Sears? Though barely two years old, CFA is fast becoming very influential. Its clout reflects its status as coordinator of the thrust of more than 150 member organizations for new rules and laws to bolster the already mushrooming consumer movement. CFA advises them what politicians and measures to push or oppose, when to testify, when to phone and write members of Congress and what issues to publicize. Thus, concerted drives on certain specific issues are no happenstance.

SPEAK FOR "MILLIONS"

When Mrs. Angevine and CFA's general counsel, Edward Berlin, testify on Capitol Hill—they do so with great frequency—they say they speak for millions of consumers. Most of the measures they and their member organizations are championing would undermine private enterprise, and would bolster consumer cooperatives. Clearly a hard look at CFA is in order.

The forces which ultimately created the organization surfaced in 1962, when President Kennedy created a Consumers' Advisory Council. The members he named included Colston E. Warne and Persia Campbell of Consumers Union, and David W. Angevine, husband of Erma Angevine and then information director of the Cooperative League.

According to the Washington Post (7/20/62), Dr. Campbell, as a member of that Council, publicly told President Kennedy: "We are interested in protective legislation in the Congress. . . . It would be helpful to us if we felt that the Administration was . . . helping to move it forward." Moreover, the

Post reported, she "suggested there be a conference of people from all over the country concerned with consumer interests to have at least an expression of opinion from people who have a focus in this area."

PROTECTION RACKET

While the latter suggestion took four more years to ripen, the Kennedy and Johnson Administrations lost no time in espousing the view that consumers needed protection. For example, Secretary of Agriculture Orville L. Freeman denounced the rapacious middlemen who intervene between farmers and consumers. A Presidentially-appointed National Commission on Food Marketing issued several studies dwelling on supermarket profits, while the Federal Trade Commission made much of the reluctance of food chains to go into poor neighborhoods, thus compelling the poor to pay more.

President Johnson, of course, also launched the revolutionary War on Poverty, with its far-flung community action agencies. Through them, over 20,000 consumer aides educated the poor about the evils of capitalism and organized them for "self-help" through consumer cooperatives.

OEO also made sizable grants to help establish credit unions, aided by CUNA International (whose director of public relations, George E. Myers, now is a CFA vice president, member of its executive committee and chairman of its Standing Committee on Membership.) The credit unions then began "spinning off" consumed co-ops, a process still taking place, with continuing OEO help. (According to the Associated Press, sponsors of a bill to provide federal insurance for credit unions told the Senate Banking and Currency Committee this month that deposits in such unions now total \$7 billion.) Moreover, OEO's Legal Services Program (LSP) provided free lawyers for the co-ops.

In April 1966, Persia Campbell's wish came true. Consumer Assembly '66, the first national conference of its kind, took place at Washington's glittering new Hilton Hotel. It featured an address by so-called consumer champion Ralph Nader, who rhetorically asked: "To what depths will corporate immorality and lust for lucre descend?" He concluded with this statement: "Auto safety can never be left to Detroit in a civilized society that values life and limb."

Chairman of the steering committee for the Assembly was the aforementioned Mr. Angevine. Colston E. Warne, long-time president of Consumers Union, presided at the first session and made the opening remarks. "The time has come," he declared, "for consumers to redress the balance of forces in the marketplace." Jerry Voorhis, then president of the Cooperative League, presided as the Assembly opened its second day of sessions.

Among those addressing the Assembly was Russell Train, then president of the Conservation Foundation and now chairman of President Nixon's Council on Environmental Quality, and chief promoter of the Administration's proposal for a new Environmental Protection Agency.

THE TIME WAS RIPE

It was Esther Peterson who broached the idea of a federation of the assembled groups. (She was then Special Assistant to the President for Consumer Affairs, but was succeeded by Betty Furness shortly after advocating consumer boycotts.) Mrs. Peterson led up to the federation idea by saying, in part, "We have reached the point where not even a college education is enough to unravel the planned confusion of the marketplace." She warned of an "undercurrent of resentment that the marketplace and the laws governing it are not fair," which can erupt into massive violence. She declared the time was ripe for a federation of consumers.

Mrs. Peterson must have been right. Within two years, the Consumer Federation of

America turned into a reality, and she became one of its vice presidents. Erma Angevine became, and remains, executive director and operating head of CFA. A former publicist for the Cooperative League, she was director of women's services and a consumer specialist (1963-68) for the National Rural Electric Cooperation Association (NRECA). Besides her CFA duties, she serves on the Advisory Committee of the Corporation for Public Broadcasting. Her husband temporarily is handling public relations for CFA.

The mark of the Cooperative League and NRECA on the Federation is heavy. Both, of course, are members themselves, and a large number of their own affiliates also have joined CFA. Indeed, a majority of CFA members are consumer cooperatives or associations. Other members include an assortment of labor unions noted for their "liberalism," community action agencies and foes of capitalism like the American Public Power Association, American Public Gas Association and the Tennessee Valley Public Power Association.

Howard Frazier, CFA president, formerly worked for TVA, and served for three years as director of field operations on the President's Committee on Consumer Interests under Esther Peterson and Betty Furness. Prior to going to CFA, he was associate director of the Office of Consumer Services of the Department of Health, Education and Welfare.

In announcing creation of that office on November 20, 1968, Wilbur J. Cohen, then HEW Secretary, said, "The Office of Consumer Services will cut across HEW agency lines to function as a clearinghouse for consumer-related actions of the Office of Education, Social and Rehabilitation Service, Public Health Service and Social Security Administration . . . (and) will help to establish consumer service offices in neighborhood centers in low-income areas, develop effective consumer education programs in schools and adult education projects, and include consumer information on nutrition and wise shopping practices in local health-related programs."

When he announced the appointment of Mr. Frazier a month later, Mr. Cohen said, "He will be concerned with consumer education, information, protection and services performed by the operating agencies in cooperation with state and local agencies, and business, labor, professional, consumer and volunteer groups in the community."

Mr. and Mrs. Angevine are not the only "cooperators" who play an important role in CFA. Jerry Voorhis of the Cooperative League is a CFA director and chairman of its Standing Committee on Credit. Shelby Southard, chief lobbyist for the League, is a CFA director. So is Robert D. Partridge, general manager of NRECA.

Consumers Union is one example of a member of the League which also belongs to the Federation in its own right. Robert L. Smith, assistant director of Consumers Union, is the secretary-treasurer of CFA and a member of its executive committee.

That's just the beginning of the cross-pollination among CFA member groups. Take, for instance, the Maryland Consumers Association (MCA). Groups affiliated with it include the Choptank Electric Cooperative, Greenbelt Consumer Services (which owns the largest chain of consumer co-ops in the U.S.), Nationwide (mutual) Insurance Co. and Group Health Association, all of which also belong to CFA.

MCA says it "grew out of a state-wide consumer conference in May 1961 sponsored by Greenbelt Consumer Services Inc. and Nationwide Insurance Co. . . . Among the noted speakers were . . . the well-known leader in the consumer field, Dr. Persia Campbell. . . ." MCA President Walter W. Falck is a director of CFA and a member of its executive committee.

Another CFA director is William R. Hutton, executive director of the National Council of Senior Citizens, which helped win approval for Medicare. Unions are important to CFA, too. Labor lobbyists who are directors of CFA include Evelyn Dubrow of the International Ladies Garment Workers Union, John J. Sheehan of the United Steelworkers and Paul Wagner of the United Auto Workers.

LABOR LOBBYIST

Following the Consumer Assembly '66 and her call for a consumer federation, Esther Peterson returned to her job as a lobbyist for the Amalgamated Clothing Workers, which helped organize the Consumer Assembly of Greater New York. That Assembly, in turn, claims it was instrumental in establishing CFA. The Assembly is composed largely of unions and cooperatives, but also includes Consumers Union.

Harold Ostroff is a director of both the Assembly and CFA. He also is executive vice president of the United Housing Foundation president of which is Jacob S. Potofsky, also head of the Amalgamated Clothing Workers. The Foundation calls itself "a federation of organizations including housing cooperatives, trade unions, neighborhood associations and other non-profit groups dedicated to helping people to help themselves through cooperation."

One of the Foundation's projects is Co-op City in the Bronx, which features cooperatively-owned apartments, supermarkets, drug stores and other co-op enterprises.

Not surprisingly, the Assembly also has ties with Consumers Union. Last year it presented a leadership plaque to CU President Colston Warne.

James Mendenhall, formerly with Consumers Union, now is chairman of the Assembly's Consumer Education Committee. Under his direction, a "leadership training and consumer education course, lasting eight weeks" was conducted at Co-op City last spring.

Now Dr. Mendenhall's committee is working with the United Federation of Teachers to develop special consumer education courses for New York public schools. The Assembly says the committee also is exploring "the possibility of introducing courses at the various colleges located in the New York City area to enable students to train as consumer education teachers."

PART III—RESOURCEFUL PRESSURE GROUP: "CONSUMER" ADVOCATES PLUSH TO PROMOTE PUBLIC POWER, NATIONALIZE GAS

(By Shirley Schelbla)

"Citing a critical national shortage of fuels and rapidly escalating prices, the American Public Power Association urged President Nixon yesterday to impose rationing and price controls on fuel oil and coal. The association, an organization of 1,400 publicly owned local electric utilities, also urged an antitrust investigation of the concentration of ownership of competing fuels, suggested a limitation on coal exports and warned that coal and oil shortages threatened to cause power blackouts and brownouts this winter, along with high rates, unless drastic prompt action was taken." (The New York Times September 1, 1970.)

WASHINGTON.—When Edward Berlin testified before a Senate subcommittee last November, he created some astonishment by seemingly advocating, in the name of millions of consumers for whom he claimed to be speaking, nationalization of the natural gas industry. Last April, when he urged a House subcommittee to give consumers a greater voice in the regulation of all public utilities, Rep. ——— (R., Ohio) observed: "Mr. Berlin, I am impressed with the fact that you represent seven million people, because that may be more people than the five of us as members of Congress here represent. We represent an average of 500,000."

The 30-year-old lawyer is general counsel of the Consumer Federation of America (Baron's, August 24), which provides his "constituency" of seven million. He also is a partner in a "public interest law firm," which counts Ralph Nader, the Conservation Foundation and the Environmental Defense Fund among its clients, and advocates such militant "consumer" actions as demonstrations, rent strikes and boycotts.

CLENCHED BLACK FIST

Mr. Berlin does indeed seek nationalization of natural gas production. He also is one of the masterminds behind a nationwide campaign which is turning conservation and pollution into a drive for public power.

Several years ago, as assistant general counsel for the Federal Power Commission, Mr. Berlin nearly pulled off a coup which would have cleared the way for a federal takeover of much of the \$8.9 billion of U.S. hydroelectric power facilities; the fight for such a takeover goes on, currently, of course, in the name of consumers. Now he is decrying the shortage of electric power, while fighting attempts of investor-owned utilities (but not cooperatives) to build new generating plants.

This lawyer-lobbyist, who has grown increasingly influential on Capitol Hill, makes his office in a decaying rowhouse in downtown Washington. A sticker displayed on two doors depicts a black clenched fist and says, "Strike the war machine." A poster on the wall, an unflattering picture of President Nixon, asks, "Would you buy a used car from this man?" Another declares, "A racist is someone who believes that America is already the land of equal opportunity."

Mr. Berlin's two partners are Gladys Kessler and Anthony Z. Roisman. Miss Kessler, who likes to handle tenant cases, told Baron's, "I happen to have a general distaste for landlords and the real estate industry."

STRATEGY OF CONFRONTATION

Mr. Roisman's wife, Florence, is a controversial lawyer for the federally funded Neighborhood Legal Services Program. (A flyer widely distributed in Washington last November listed her as a sponsor of a Georgetown Law Center Conference on Political Repression, featuring Rennie Davis and William Kunstler.) According to The Washington Post (4/14/70), Mrs. Roisman admitted defending a key organizer in a public housing rent strike without clearance from her supervisor and without checking to determine if the organizer had income low enough to entitle him to her services.

In an article in the May 1970 issue of The George Washington Law Review, the three law partners wrote: "Consumer boycotts, tenant strikes and the like are the tools of the public interest attorney. He must become skilled in advising their use in order to construct an effective broad-range strategy for his clients. Thus, an attorney for a tenants' union must carefully plan with his clients precisely when it would be most effective to provoke the direct confrontation which may land the rent strike leaders in jail. Similarly, for a consumer group fighting certain retailing prices or practices, an open hearing before an administrative agency may prove the most effective way of presenting its case to the public, even though the group holds no illusions as to its chances of success before that particular agency."

GETS "NOMINAL" FEES

Such clients cannot pay the fees to support a three-member law firm. Although Mr. Berlin spends a great deal of his time lobbying for CFA, it says that his pay is "nominal." But Mr. Berlin's law firm also represented Ralph Nader in a suit to ban smoking on airliners (which it just lost in the U.S. District Court here). In addition, Mr. Berlin represented the tax-exempt Environmental Defense Fund in a suit here to force the Secretary of Agriculture to ban the use of DDT.

(The matter was remanded to the Secretary.) Moreover, this year Berlin, Roisman and Kessler turned out a study for the tax-exempt Conservation Foundation titled "Law and Taxation," and described as a "guide for conservation and other non-profit organizations." The firm also is representing the Sierra Club in its fight against the Calvert Cliffs, Md., nuclear plant of Baltimore Gas & Electric Co.

One of the first visible signs of the interest of consumerism in a federal takeover of hydroelectric sites came at the Consumer Assembly of 1966 (Baron's, August 17). Charles Ross, then a Federal Power Commissioner, told the Conference: "At the outset, I want to acknowledge the support of Marvin Zeldin of the Consumer Information Service, Alex Radin of the Public Power Association and Clyde Ellis of the National Rural Electric Cooperative Association for my reappointment as a member of the Federal Power Commission. . . . Looming ahead is a very tough conservation fight. It will revolve around the provision of the 1920 Federal Power Act allowing the government to recapture power licenses. . . ."

STATUTE IS UNCLEAR

In that Act, Congress authorized FPC to license hydroelectric power sites for up to 50 years for private development. Today FPC estimates 338 major licenses of this kind are outstanding, representing an estimated investment of \$8.9 billion. During the six-year period ending in mid-1976, licenses for 70 of these projects will expire. And that is where the fight comes in. The Act provides for relicensing or recapture by the government for public ownership. In the event of the latter, it says, the U.S. must pay the licensees' "net investment," a term which the statute fails to clearly define.

On September 27, 1968, FPC issued an order establishing a method for computing "net investment." It was based on a staff proposal drafted by Mr. Berlin, an assistant general counsel for legislative work, rules and regulations and legal research. Since the order involved highly complex calculations, its full impact apparently did not dawn on all members of the Commission until they reviewed 33 applications for rehearing or modification.

The great potential damage was spelled out in the January 2, 1969, issue of Public Utilities Fortnightly by two eminent attorneys, J. David Mann Jr. and John C. Mason, both formerly with FPC. The order means, they write, that "the statutory net investment in a project could be reduced to zero during the twenty-ninth year of operation," thus resulting in a retroactive depreciation of the sites and a federal takeover with no compensation to the licensees. They also suggested a possible violation of the Act's guarantee of the opportunity for licensees to be heard.

HURTS CONSUMERS

Moreover, they warned, "(the order) would also affect the licensee adversely by impairing its ability to finance future expansions, by making its securities less attractive to the public, and by increasing its cost of capital. Such increases would, of course, be borne by the very consumer the Commission has ostensibly sought to protect by adopting the rule."

On August 4, 1969, FPC vacated the 1968 order concerning net investment determination. Pending resolution of the recapture issue, it has been relicensing hydro facilities for one year only, as licenses expire. A year ago, it said, "The next substantial project with an expiring license, on June 30, 1970, is Pennsylvania Power & Light Co.'s 109,800-kilowatt project on the Susquehanna River. . . ."

"Consumers," however, intend to pursue the fight for public hydro power, according to the March 1970 issue of Consumer Reports, published by Consumers Union. It says: "One

basic question confronting the FPC is whether more of the hydro electricity now under private control should be made available to consumer-owned municipal systems and rural electric cooperatives. . . . Consumer-owned systems are preparing to challenge the relicensing of nearby hydroelectric facilities to private companies," referring specifically to the Pennsylvania Power & Light Co. plant, and "a smaller project run by Metropolitan Edison Co. in Dauphin, Lancaster and York counties (Pa.)."

SKEPTICAL ATTITUDE

The article champions the original FPC ruling, alleges that it could result in federal recapture prices of zero, and quotes "one former high-ranking staff member" of the Commission as saying that the skeptical attitude toward the fairness of electricity rates under state regulation was crucial in the 1968 regulation.

Because FPC has withdrawn its ruling, Consumer Reports urges an amendment to the 1920 Act calling for automatic federal recapture at the expiration of licenses, with all such plants to operate "under management of a TVA-like authority or a few regional authorities. Under the watchful eye of some form of consumer advocate, the FPC and the hydroelectric authorities could apportion power to the private, public and cooperative utilities. . . ."

It also argues that an independent consumer protection agency could make a strong case for public ownership "but probably not in time to influence any FPC decisions about the first 70 hydroelectric projects whose licenses are about to expire." (Since the article appeared, House and Senate subcommittees have approved legislation to establish such an agency.) Members of the industry, consumer groups and FPC all foresee a donnybrook over the relicensing issue.

In addition, CFA is lobbying for the Dickey-Lincoln Power Project on the St. John River in Maine, for which Congress has authorized only planning because of the extremely high cost (put at around half a billion dollars) and questionable economic feasibility. Sale of its power would be subject to the Flood Control Act of 1944, which says, "Preference in the sale of such power and energy shall be given to public bodies and cooperatives."

Hydro projects are only one facet of the "consumer" quest for public power. While CFA has voiced its concern to FPC over power shortages and resulting voltage reductions, it also has joined other groups in protesting possible air pollution and damage to ecology when electric companies try to build new generating plants. Mr. Berlin mentions specifically those by Consolidated Edison Co. of New York at Storm King Mountain on the Hudson River (just okayed by FPC after a conservation battle since 1961), by Baltimore Gas & Electric Co. at Calvert Cliffs, Md., and the Blue Ridge Project of Appalachian Power Co.

Mr. Berlin says he wants companies to announce possible site choices in advance as well as to give "consumers" a voice in their selection. But wouldn't this drive up the site prices and make some investors reluctant to put their money in firms where "consumer advocates" have a voice in management decisions? Mr. Berlin maintains the alternative is worse—having construction of generating facilities held up for years in the face of mounting complaints over power shortages.

SHE DOES HER BIT

Mr. Berlin's colleague CFA Executive Director Erma Angevine, is doing her bit for public power in the name of conservation. She is on the advisory committee of the Conservation Foundation's Clean Air Project, aimed at educating citizens about air pollution.

Frances Radin is in charge of the project for the Foundation. She is the wife of Alex Radin, general manager of the American

Public Power Association, who also is a CFA director and cochairman of its Committee on Energy and Natural Resources. Mrs. Radin told Barron's that the Foundation has a grant of \$120,000 for her project from the National Air Pollution Administration of the Department of Health, Education and Welfare.

Under the Air Quality Act of 1967, the states must hold public hearings before setting air pollution limits, which HEW then accepts or rejects. Mrs. Radin says that so far she has conducted 12 such conferences for HEW. Thus the wife of one of the nation's foremost exponents of public power is in charge of educating the public about air pollution.

With help from Mesdames Radin and Angevine, Ralph Nader and the Environmental Defense Fund, the Conservation Foundation also is spearheading a legal fight against pollution from power plants. In July, Mr. Nader told the Senate Environment Subcommittee that some habitually polluting industrialists should be removed from their jobs, some should be jailed and some polluting firms should be forced into "environmental bankruptcy."

SOCIAL DYNAMITE

At the CFA-sponsored Consumer Assembly of 1970, Rod Cameron, executive director of the aforementioned Fund, called for "conservationist-consumer cooperation in street demonstrations to fight pollution." He said, "It takes social dynamite to break the granite position of industrial polluters. I believe the answers in conservation problems lie in opening the courthouse door to litigate and the doors to the streets to demonstrate."

Thus fueled, the hue and cry against air pollution obviously is creating additional demands for the cleanest fuel, natural gas. But alas, the gas shortage appears to be growing worse daily. This proves the need for nationalization, Mr. Berlin claims, because private producers are not meeting demand.

Mr. Berlin defended present pricing methods in testimony last month at an FPC hearing in Pittsburgh, which is part of a proceeding FPC initiated this summer to reconsider natural gas pricing. According to the August 17 issue of Oil Daily, Mr. Berlin said present rates are just and reasonable, and that the Commission has "pushed the panic button."

Last November, in gas supply hearings of the Senate Subcommittee on Minerals, Materials and Fuels, Mr. Berlin testified: "If the risks are too high for industry, if the waters are too cold offshore . . . then maybe the time is right to think in terms of public development of these public resources. . . . The public development of which I speak could take several forms, the most obvious being complete federal ownership."

PART IV—THUMB ON THE SCALE: "CONSUMER" LEGISLATION WOULD WEIGH HEAVILY ON BUSINESS

(By Shirley Scheibla)

WASHINGTON.—Under the Rosenthal-Dwyer bill (HR 18214), which has been passed by the House Government Operations Committee, new federal consumer protectors would have authority to look at and to publish individual and corporate tax returns and other confidential material filed with the Internal Revenue Service.

Although the measure now is awaiting action by the Rules Committee to go to the floor of the House, virtually no public attention has been focused on two sections which confer such authority. Section 202 (c) (2) specifies that "upon request made by the administrator each federal agency is authorized and directed . . . except where explicitly prohibited by law relating to information in the interest of national secu-

urity, to furnish to the Agency such information, data, estimates and statistics, and to allow such access to all information in its possession as the Administrator may determine to be necessary for the performance of the functions of the agency." Section 102 (c) (2)—which applies to the director of the Office of Consumer Affairs in the White House—is identical.

HIDDEN LOOPHOLE

The sections were not discussed in testimony before the House Government Operations Committee because they were added after completion of hearings. Upon studying them and the committee report at the request of Barron's, a high Justice Department official concluded that they do indeed cover access to tax returns. He added, however, "We will fight tooth and nail to protect the privacy of tax returns." Several attorneys in other federal agencies on Capitol Hill and in industry gave identical interpretations.

This is just one example of how far some lawmakers are prepared to go in the name of consumers. Lobbying efforts on behalf of many of 150-odd consumer bills in the Congressional hopper indicate that the movement now has shifted its emphasis from protecting the consumer to destroying his "exploiters." Along with creation of an independent consumer protection agency, the must list includes measures authorizing more consumer class action suits in federal courts, product testing and virtually unlimited grants to consumer groups. While all have made impressive progress in Congress, no one can say with assurance what will happen during the rest of the session. What is clear is that the bills show the thrust and direction of the "consumer" movement.

Besides hobbling private enterprise, the proposals might succeed in disrupting the machinery of government. U.S. Supreme Court Chief Justice Warren E. Burger recently warned that proposed consumer legislation could bring a breakdown in the court system. Assistant Attorney General Richard W. McLaren has told a Senate committee that pending bills to encourage consumer class actions alone could result in such a breakdown. (The Special Committee on Consumer Legislation of the American Bar Association has reported: "Experience indicates that class actions do not achieve their goal and in fact militate against effective relief.")

DOUBTFUL CURE

Contrary to impressions created by the consumer advocates, their measures would cost Uncle Sam a great deal of money, with scant, if any, assurance that the outlays would cure the ills to which they ostensibly are addressed.

Nonetheless, few lawmakers dare to take a stand which may appear to run counter to the interests of consumers; neither the Administration nor industry has done an effective job on Capitol Hill. While the former opposes the creation of an independent consumer protection agency and endorses only limited class action legislation, on some crucial points it is in disarray. One experienced industry lobbyist declares, "We're fighting to save free enterprise, and we're losing."

An analysis of all the pending consumer bills would far exceed the confines of a single article or the ability of a Philadelphia lawyer. Yet a look at several of the most important measures underscores the point.

In reporting out the Rosenthal-Dwyer bill last July 10, the House Government-Operations Committee said it was "designed to correct an imbalance in our government actions on behalf of the various groups involved in the American economic system." That sounds remarkably close to the opening remarks to the Consumer Assembly of 1966 by Colston E. Warne, long-time president of Consumers Union. "The time has come," he declared,

"for consumers to redress the balance of forces in the marketplace."

FREE AND EASY HAND

After subpoenaing any government information it deemed necessary to serve this purpose, the agency could use it to launch suits, including consumer class actions, and intervene in court cases or proceedings of federal regulatory agencies. The committee report on H.R. 18214 states: "Our intention is that the consumer view be expressed in the adjudicatory or rulemaking process and that it be considered by the agencies and courts. In those proceedings not solely involving a fine, penalty or forfeiture, the intervention of the Agency is a matter of right and not within the discretion of the body conducting the proceeding to deny."

This position is "more than questionable," according to supplementary views filed by Representatives John H. Buchanan (R., Ala.), John T. Meyers (R., Ind.) and Sam Steiger (R., Ariz.). They explain: "One provision would permit the federal consumer advocate to seek to overturn the decision of a federal administrative agency which has the express statutory regulatory responsibility to decide matters after taking into account all aspects of the public interest. The advocate could also enter judicial proceedings over the objection of such an agency."

"There is no question but that the consumer advocate agency should be able to appear in a rate proceeding before the Federal Power Commission to protect the interest of consumers or in a Federal Trade Commission proceeding, a Food and Drug Administration proceeding, or any other proceedings of like nature and present all of the arguments and evidence which it has on the consumer issue. But once that evidence has been presented and the agency having the basic responsibility for making the decision . . . reaches its decision, should it be subject to being overturned by another federal agency having a much narrower statutory function?"

INVASION OF PRIVACY

The three Congressmen also express grave concern over a possible invasion of privacy. "It certainly must be an oversight," they said, "that HR 18214 could permit, as it does, restricted information, such as that contained in federal income tax returns, to fall into the category of information which would be obtainable by the consumer protection units."

While the Internal Revenue Code guarantees the privacy of tax returns, the generally accepted rule of thumb is that when two statutes conflict, the newer supersedes the older. An argument could be made, however, that the latter must specifically say as much.

HR 18214 also calls for federal product testing for the protectors, as well as grants to such organizations as Consumers Union. On the Senate side, a similar separate measure for product testing is being considered by the Committee.

Here's what those supplementary views in the House report have to say about product testing: "In view of the limitless variety of consumer products, the scope of such provisions . . . is likely to be far greater than appears. Even the analogy to an iceberg which is nine-tenths submerged . . . may fall to adequately represent the hidden vastness of the potential scope of such provisions in HR 18214. . . ."

"Any proposal which simply puts a new government organization into the field of product testing and the dissemination of the results of tests raises some significant questions. For example, if the new organization is to publish the results of tests conducted by the Department of Defense with respect to commodities it purchases, then small businessmen who are unable to compete with large corporations in supplying

the tremendous quantities of products purchased by the government will find that their products are not included in the published list of products tested. This could severely affect the financial security of such small business, because of the inevitable inference that their products were not as good as the products in the list. This would be true even if the products produced by the small businessmen had not been responsive to the government purchase requests because they provided a higher degree of quality than the government was interested in purchasing. The consumer would suffer too, because the list of products would be incomplete and, therefore, misleading.

DESTRUCTIVE TESTING

"Secondly, there is almost no conceivable manner in which publication of test results can be kept current. In the event that a product tested is found deficient in some manner, and the test result is published, there may be no adequate way in which the producer of that product can inform the public that the defect has been corrected until another test of that commodity is made, perhaps years in the future. A combination of circumstances could even bring about a deterioration in the quality of a product receiving a high rating, and there would be a corresponding time lag in informing the public of this change."

The National Small Business Association says product testing will do incalculable damage to small business and brand-name competition. Product testing, it declares, "will be a repeat in the U.S. of the pattern adopted by the co-op movement in other countries, namely government support for private agency testing. Colston Warne, president of Consumers Union, has been the major supporter of consumer product testing. He is an enemy of brand-name competition."

One of the selling points of the consumerists for consumer protection legislation is that it is an inexpensive way for politicians to win favor with everyone. Inexpensive? With the myriad consumer items produced in the U.S., product testing alone could consume a huge budget. Indeed, just testing for product safety could become an enormous task. Here's how that potential is explained by Consumers Research, which has been testing products since 1927: "Product safety is important beyond all question, but it cannot be delivered pronto, by orders from a government bureau—or a committee of the Congress. It will take time, and millions of hours of expert services of government and nongovernment people. . . . The cost of government protection is never free, and it's never even small or inconsequential, as some naively suppose."

According to those supplemental views, "if all the functions made possible by this legislation in its present form are actually fulfilled, a vast and continuing expansion of budget and of personnel would seem almost a certainty. . . ."

On some legislative points, notably class action, the Administration has fumbled badly, and this may be one of the reasons for the remarkable progress of class action bills. (The Senate Commerce Committee already has passed the Tydings bill, S. 3201, which would allow consumers to sue in federal courts as a class when they suffer individual damages of as little as \$10. A similar measure is close to passage in the House Interstate and Foreign Commerce Committee.)

HASTY RETREAT

About a year ago, Virginia Knauer, special assistant to the President on consumer affairs, told the Senate and the Consumer Federation of America that the Administration would back class action legislation similar to the Tydings bill. "We believe that the private bar is the sleeping giant of the consumer protection field; that no governmental agen-

cy could do the job of aiding consumers as well as an aroused bar properly motivated. . . . that is why we wholeheartedly support the principle of consumer class actions set out in this proposed bill. . . . We do not believe that there would be any great burden imposed on the federal judiciary machinery, and the cost of government would be slight," she told a Senate Judiciary Subcommittee.

She subsequently retracted her statements after being informed that they did not reflect Administration policy. According to The Washington Post, White House aides said Mrs. Knauer's statements were a mistake which "painted the Administration into a corner." Without them, "there would not have been an Administration backed class action bill."

Now Assistant Attorney General McLaren has declared that the Administration endorses a limited class action bill. Under it, federal agencies would prosecute where warranted by widespread occurrence and serious economic impact. Then consumers would need only to prove damages, thus ensuring against clogging the federal court system with harassing and trivial action. Consumerists are fighting this vigorously.

As passed by the Senate Commerce Committee, S. 3201 would impose a civil penalty up to \$10,000 for each unfair consumer practice willfully committed, and an additional criminal penalty up to \$10,000 or imprisonment for up to one year for any such practice which, "endangers the health or safety of consumers."

UNFAIR PRACTICE

In individual views filed with the Senate Commerce Committee Report on S. 3201, Senator Marlow W. Cook (R., Ky.) said it would have the Federal Trade Commission issue rules establishing unfair consumer practices which automatically would "trigger new causes of action which federal courts must entertain in public and private suits. . . . they include delicate judgments in determining which type of acts should be singled out for exposure to the severest consequences. The balancing of these questions does not represent the type of judgment which Congress would ordinarily leave to an agency, particularly one whose functions and competence have never encompassed the total range of judgments that are necessary under S. 3201."

The Senator added: "The procedures proposed for the development of rules to define substantive violations of law are wholly inadequate. They do not even accord the same rights that would be available if the Commission were to file suit today to establish that a particular party had violated the law. Indeed, they fall short even of the protection afforded in rule-making under. . . . the Senate recently passed Guaranty and Warranty Acts."

Senator Norris Cotton (R., N.H.) stated in supplementary views in the report, "I am convinced, however, that this bill offers no substantial prospects for relief of consumers generally, but rather will simply serve as a vehicle to enrich those law firms which have euphemistically denominated themselves as 'public interest law firms.'"

Messrs. McLaren and Weinberger have cited the Playboy case as a horrendous example of class action. The plaintiffs obtained \$8 chits to be spent at Playboy clubs, while their attorneys received a \$275,000 fee.

STATEMENT ON THE MIDDLE EAST

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, I would like to bring to the at-

tention of my colleagues a recent statement by 32 prominent professors concerning the current situation in the Middle East. I wholeheartedly agree with the position taken by these distinguished educators.

The flagrant violations of the terms of the cease-fire agreement by Egypt, recently confirmed by the State Department, have radically altered the balance of power in the Middle East. These breaches of trust not only jeopardize the chances for peace but threaten the very survival of the State of Israel.

It is time for a realization of our position toward Israel. We must consider the faith she has placed in our Nation. This faith arose from our assurances that the existing military state would not be compromised by her entry into the cease-fire pact. It appears that we may have been too hasty in providing this assurance as we have not allowed the machinery necessary to back such a guarantee. It is my considered opinion that we must take firm, conclusive and constructive action to insure a favorable military balance between Israel and Egypt. Only in so doing can meaningful negotiations begin, negotiations designed to bring a lasting settlement to this conflict.

Mr. Speaker, I trust that my words are understood. I do not wish my remarks or the comments of the signers of the following statement to initiate new rhetoric. We all realize the implications of these developments and realize too that words will not combat them. Instead I ask for action, action taken by this Nation to fulfill our pledges to Israel and designed to promote the chances for the peace so desperately needed in the Middle East.

I ask consent that this statement be placed in the RECORD for the consideration of my colleagues:

STATEMENT ON THE MIDDLE EAST— SEPTEMBER 8, 1970

The construction of numerous new missile sites by Egypt in the cease-fire zone has, after several weeks of hesitation, been acknowledged by the United States. This violation of the terms of the cease-fire not only raises the most serious questions about the long-term objectives of the Soviet Union and the United Arab Republic, it also directly challenges the American role as peacemaker in the Middle East. Israel agreed to the cease-fire only on the assurance of the United States that this acceptance would not be used to weaken her security, already endangered by the massive Russian presence in Egypt. Israel's democratically elected government put the case to its own people with great candor, stressing the risks entailed by the cease-fire and the American assurance. Yet today, Israel's position has been weakened by the Egyptian and Russian exploitation of the truce, and America's credibility has been placed in doubt.

We believe it to be the moral responsibility of the United States, as well as in our national interest, to keep faith with Israel and to maintain the substance of the cease-fire. We also believe that failure to do so contradicts the purposes of the American initiative and dooms in advance the hopes for a settlement. How can Israel—or indeed the Arabs—rely in years to come on such assurances as the United States can offer and such mechanisms as we can help create and sponsor if we cannot or will not insure a 90-day stand-still? For this, after all, is what the world needs and what the United States

especially is in a position to promote—not simply 90 days of respite, but a lasting peace. The Russians may or may not want this; the Arabs and Israelis have not by themselves been able to find it. We call, therefore, on President Nixon and the administration to take prompt steps to restore the essential military balance between Israel and Egypt to that obtaining at the start of the cease-fire. Without such redress, there can be no fruitful negotiations, no believable guarantees, no stable frontiers, and thus no peace in the Middle East.

SIGNATORIES TO STATEMENT ON THE MIDDLE EAST—WITH INSTITUTIONAL AFFILIATIONS FOR IDENTIFICATION ONLY

Kenneth Arrow, Professor of Economics, Harvard University.

Marver Bernstein, Professor of Politics; Former Dean, Woodrow Wilson School, Princeton University.

Cyril Black, Princeton, New Jersey.

Zbigniew Brzezinski, Professor of Public Law and Government; Research Institute on Communist Affairs, Columbia University; Former Member, State Department Policy Planning Council.

William P. Bundy, Visiting Professor of International Studies, MIT; former Assistant Secretary of State.

Abram Chayes, Professor of Law, Harvard University; former Legal Counsellor, Department of State.

Karl Deutsch, Professor of Government; Harvard University; President, American Political Science Association.

Paul Doty, Mallinckrodt Professor of Biochemistry, Harvard University; Consultant, National Security Council.

John Kenneth Galbraith, Paul M. Warburg Professor of Economics, Harvard University; former Ambassador to India; former National Chairman, Americans for Democratic Action.

Leslie Gelb, Senior Fellow in Foreign Policy Studies, Brookings Institution; former Acting Deputy Assistant Secretary of Defense.

Morton Halpern, Senior Fellow in Foreign Policy Studies, Brookings Institution; former Senior Staff, National Security Council; former Deputy Assistant Secretary of Defense.

Stanley Hoffmann, Prof. of Government, Harvard.

Irving Howe, Professor of English, City University of New York; Editor, *Dissent* Magazine.

H. Stuart Hughes, Gurney Professor of History and Politics, Harvard University; former National Chairman, SANE.

Samuel Huntington, Professor of Government, Harvard University.

Carl Kaysen, Director, Institute for Advanced Study, Princeton; former Assistant to President Kennedy.

Martin Kilson, Professor of Government, Harvard University.

David Landes, Professor of History and former Director of Middle East Center, Harvard University.

Arthur Link, Edwards Professor of American History, Princeton University.

S. M. Lipset, Professor of Government and Sociology, Harvard University.

Hans Morgenthau, Distinguished Service Professor and Director, Center for the Study of American Military and Foreign Policy, University of Chicago.

Martin Peretz, Assistant Professor and Chairman of the Board of Tutors in Social Studies, Harvard University.

Theodore Rabb, Associate Professor of History, Princeton University.

Edwin Reischauer, University Professor, Harvard University; former Ambassador to Japan.

Henry Rosovsky, Professor and Chairman, Department of Economics, Harvard University.

Arthur Schlesinger, Jr., Albert Schweitzer Professor of the Humanities, City University of New York; former Assistant to President Kennedy.

Robert Solow, Professor of Economics, MIT. Fritz Stern, Seth Low Professor of History, Columbia University.

Edward Teller, Professor of Physics at Large, University of California; Member, United States Air Force Science Advisory Board.

Richard Ullman, Professor of Politics and Public Affairs, Princeton University.

Michael Walzer, Professor of Government, Harvard University.

Jerome Wiesner, Provost, MIT; former Special Assistant to the President on Science and Technology.

LAUDS DELAVAN LAKE PROJECT

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. SCHADEBERG. Mr. Speaker, the Honorable Carl L. Klein, Assistant Secretary of the Interior for Water Quality and Research, a great American and conservationist, last month visited my district to compliment the citizens of Delavan Lake on their effort in securing a pilot project from the Federal Water Quality Administration to abate pollution on the lake.

At a luncheon held in Secretary Klein's honor, close to 200 persons heard the Secretary deliver stirring remarks about the commitment which the Nixon administration is making to eliminate pollution from the American scene. I have enclosed a biographical sketch on the Secretary, a copy of his remarks, and a copy of newspaper accounts from various district newspapers on Secretary Klein's trip for the benefit of my colleagues, but I would like to add a few comments of my own, concerning efforts to clean up our environment.

There has been much controversy concerning the environment recently. It is most definitely a bandwagon issue onto which persons want to jump. It is an issue which can passify the people with endless streams of rhetoric. It is such a simple issue to latch onto. Anyone can decry the present state of the environment and point to untold examples. Anyone can call for any amount of money to do the job, or call for new and expensive administering agencies to do the job of cleaning up the mess of nature.

The important thing which I wish to point out is that the past administrations of the sixties accomplished little in the way of attacking the problems being bred by the technological advances made during the decade. Forces were not organized, and the Department of the Interior, as the past has shown, did not promote ecology, but instead allowed circumstances to build to the point where today we are suffering.

Many persons have now chosen to criticize the President and the Republican Party for not spending enough money, or enough time, or passing

enough legislation to deal with the problem.

These statements, generally made by Democrats who still control the legislative branch, and who were in power of two branches of the Government when the disaster of our environment was festering, remind me of a recent cartoon by the great cartoonist Pat Oliphant. The background of his cartoon showed five Democrats sinking into a quagmire of filth. In the foreground the President was making his way through the pollution on stilts with specific legislative proposals in hand. The flailing Democrats are quoted as saying "Foul, he is taking our issue."

The point of this cartoon and of the enclosed speech by Secretary Klein, is that the most important thing to be done for the preservation of the environment is to organize a base plan with which to attack the problem.

The cry has gone up that all we need is \$5 billion a year, or \$50 billion a year, or \$500 billion a year. Yet, money alone will not accomplish the goal. It is necessary, and I pride myself on having voted for every increased appropriations both last year and this year, to fully fund clean water restoration, but money is valuable only if it is tied in with a plan. Otherwise we will suffer consequences such as Federal plans to fund education which followed the Sputnik scare where people believed that money was the only thing. Money was made available, but our educational problems still persist because money has been spent on overlapping programs, with much funding not reaching the students.

Another thing which is needed in a general attack on pollution, and which the President's proposals contemplate, is an effort on the part of the people affected to lay the legal groundwork for the implementation of Federal funding. There is much that must be done prior to the time that the Federal money flows to the community. In this fashion the Federal Government will rely on the very fine private engineering firms to propose the ideas which will be funded.

What with the organizational activities on the part of the Federal Government under the leadership of the Nixon administration, the money we do spend in the future will stand a good chance of actually eliminating the blight of pollution.

The speech and newspaper articles referred to follow:

BIOGRAPHICAL SKETCH OF CARL L. KLEIN, ASSISTANT SECRETARY OF THE INTERIOR FOR WATER QUALITY AND RESEARCH

Carl L. Klein, a Chicago lawyer and Illinois State Representative, was appointed Assistant Secretary of the Interior for Water Quality and Research by President Nixon and Secretary Walter J. Hickel in March, 1969.

Long involved in the struggle for clean water in his home state, Klein was chairman of the Illinois Water Pollution and Water Resources Commission for five years, and of the House Committee on Water Resources for two. In the State Legislature, his devotion to the anti-pollution cause earned him the nickname "Mr. Clean Water," and brought wide recognition for water quality problems throughout the State.

A practicing lawyer since 1942, Klein served as Republican Committeeman of his home 15th Chicago Ward, and was elected State Representative from the 27th District in 1964, 1966 and 1968. In the State Legislature, he was a member of the Committees on Higher Education and on Banks and Savings and Loan Institutions.

Klein moved to Chicago two years after his birth in Butternut, Wisconsin, in 1917. He attended grammar and high schools in the city, and earned a degree in history and political science at the Central YMCA College in Chicago in 1939. Three years later he obtained a law degree at DePaul University.

Entering the Army as an enlisted man in April, 1943, Klein served in the Counter Intelligence Corps, and was later commissioned a Second Lieutenant in the Quartermaster Corps. He performed in a number of legal and security roles before his discharge as a First Lieutenant in 1946.

Assistant Secretary Klein is a member of the Chicago and Illinois State Bar Associations, and of the Hope Evangelical Lutheran Church in Chicago. He is also a past president of the Town of Lake Chamber of Commerce and of the Stock Yards Area Kiwanis Club.

Klein is married to the former Emma North of Chicago. They have a son and a daughter.

REMARKS OF THE HONORABLE CARL L. KLEIN, ASSISTANT SECRETARY OF THE INTERIOR

A little over 18 months ago a new era began for the cause of conservation and environmental protection in America. On January 20, 1969, Richard Milhous Nixon took the oath of office as 37th President of the United States. Shortly thereafter, Walter J. Hickel was sworn in as 39th Secretary of the Interior.

Perhaps the major concern then was law and order: How to live with our fellow men in our cities and towns. A second consideration was international affairs: How to live with our fellow men on this earth of ours. Another item was inflation: How to live within our means. And high on the list also was pollution of our environment: How to live with this earth, or, more succinctly, How to Continue to Live.

This is a fine world—Genesis says that God created the world and the Universe in six days and rested the seventh—and this wonderful handiwork of the Lord's has been standing up to the onslaught of time, plants, animals and man for thousands of years.

The fertile crescent of Prehistoric days was irrigated by Tigris and Euphrates waters—and the Sumerian Canals filled up with silt. New silt came with the flushing actions of the Flooding Nile—a new growing season and also a cleansing action for the pollution factors.

The Nomadic tribesmen of North Africa and the North American Indians both allowed nature to recoup its vitality by moving away from overused areas—and at all times, the population was such that there was no overuse on the land—no overburden of people, no overburden of machines, no overburden of waste products in air, water and solids.

But today—we have an ever growing population—we have an ever expanding industry—we have an ever growing list of waste products.

And if you consider the growth in population as it relates to the expansion of industry—you get a whole list of pollution problems—sewage wastes—fumes—mountains of solid indestructible refuse; and a whole list of needs—water—air—land; a whole list of problems to achieve the good life.

So we took office and started to identify problems, the causes, the cures and the impact of the cures—to insure that the medicine is not worse than the illness.

Let us see what we have been able to identify as the problem areas. I have delineated them into four classes: First, general; second, geographic; third, hydrological; fourth, specific.

I. THE GENERAL PROBLEMS FALL INTO THREE AREAS

First and most important in my opinion is human waste—our municipal sewage problem.

Intensified in metropolitan areas by enormous discharges which past engineering methods had failed to solve—mainly by not realizing the scope of the problem. Intensified in the small city area by a failure to recognize the substantive nature of the problem and the need to correct it.

Intensified in the village area by the inability to raise the financing necessary to save water supplies from contamination from septic tanks and cesspools.

Second is the farm problem. Herbicides necessary to reduce weeds often have toxic compounds such as mercury.

Pesticides necessary to fend off insect invasion were found to have adverse effects—some with a persistency which magnified these adverse effects, such as DDT.

Fertilizers necessary to expand acreage productions resulted in overfertilization of streams and lakes; nitrates and solids from the feed lots of animal husbandry, necessary to raise the food we need; finally siltation—sedimentation—just the ordinary runoff of plain old soil has caused changes in our rivers and lakes.

Third—our industrial wastes are legion—are expanding—are changing—are becoming ever more exotic and are becoming ever more difficult to identify and to break down.

Heavy metals—such as the mercury and chrome wastes. Oils and phenols and the petrochemical wastes.

The muds—the fine dust—the fines—the solids—the plastics.

The waste heat discharged into the water, particularly by our electrical generating in industry.

Those are our general problems.

II. NOW TO OUR GEOGRAPHIC LOCATIONS

Historically: New York, Philadelphia, Washington, Boston, Charleston, Savannah, and Mobile, on our estuaries and bays; Albany, Cincinnati, Louisville, St. Louis, Memphis, Kansas City, New Orleans, Minneapolis, St. Paul on our Great Rivers; Buffalo, Cleveland, Toledo, Detroit, Chicago, Gary, Milwaukee, Green Bay and Duluth on our Great Lakes.

Madison, Wisconsin; Burlington, Vermont; Detroit Lakes, Minnesota; Madison, South Dakota on small lakes. Akron, Springfield, Illinois; Dayton, Youngstown, Little Rock, Port Arthur, Charlotte, Hartford, Lowell and Lawrence on our smaller rivers.

Is the theme familiar? They are all located on water—on our streams and lakes—on the water necessary to life, commerce and industry and agriculture—but this water is becoming polluted . . .

We must except the plains and mountain states which have little water:—pollution never has been a real word to them. Their world is based on water—water supply to be guarded jealously—at the risk of one's life if necessary—for in those states water is LIFE.

III. AND THEN WE HAVE HYDROLOGIC FUNCTIONS

The capacity of water itself to assimilate, to reduce pollution and to renew itself.

The best instance is evaporation and rain—Second is ground water filtration through proper soils.

Third is the fast running stream which rehabilitates itself by recharging rapidly with oxygen.

Fourth—the sluggish stream which recharges some oxygen by movement—but

which usually has low flow in late summer and early fall.

Fifth—lakes with current such as Lakes Erie and Ontario where the flush-out time is measured in years.

Sixth—those lakes which are just mixing bowls—Lake Michigan and Lake Superior where the flush-out time is hundreds of years.

Seventh—the estuaries which are comparable to lake flows or at best sluggish streams.

Eighth—Ocean problems—where ocean currents and the tremendous amounts of water tend to balance out pollutionloads—to a degree—but not completely as New York and Miami are discovering.

IV. SPECIFIC PROBLEMS

Sewage causes illnesses—We are just beginning to realize the virus complications therein.

Phosphates—which continually and continuously overenrich the waters—and cause the algae and the weeds, and rapid aging of our lakes and estuaries.

Oils—the totality of need for this vital product in our modern civilization has intensified the problem in drilling extraction, transport, refining, transport again and use.

Pulp and paper has brought the blessings of writing to the civilized world and the discharges of pollution to air and water.

Mining of coal has left us with long range acid water problems;

Food processing has intensified organic waste disposal;

Thermal effects have made us realize that temperature is the critical and basic factor in setting water quality standards.

The toxic heavy metal problems of mercury, chromium and the like.

The pesticides—DDT and the chlorinated hydrocarbons—have intensified farming practices and increased crops—and have caused long term problems, in disruption of our environment.

The extraction of mines and minerals has caused grave changes in surface and ground waters and the land itself.

The list is long on specifics—I have barely touched the general problems. You will note however that all of these items mentioned—sewage, industrial wastes, farm runoff, oils, phenols, DDT, pulp, paper, mercury, chromium, chlorides all are by-products of the technology necessary to sustain life—our life—our kind of living—on this planet and in our United States.

And still more important than all other factors mentioned is this one item: The same fresh water which we are polluting, day after day after day, with these human, industrial and agricultural wastes constitutes the water supply of the millions of people who pollute it.

Downstream from Burlington, Iowa is St. Louis and Memphis and New Orleans; downstream from the farms and villages of Maryland and Virginia is the Nation's Capital, Washington, D.C.

Downstream from the feed lots and slaughterhouses are the cities of Nebraska, Kansas and Missouri.

Downstream from Pittsburgh are Cincinnati and Louisville.

Downstream from Chicago are Peoria and a host of smaller cities.

On the same Lake Erie as Detroit are Toledo, and Cleveland.

On the same Lake Michigan as Milwaukee is the Chicago Metropolitan area.

To get a solution, we must go several steps further: To the political boundaries of the States, the multitudinous problems of the cities, the ability to fund the necessary solutions, the state of the art to engineer the practicalities, the willingness and will of the people to have the solutions put into effect.

Only an action program—on a systematic analysis—with particularization of regional

geographic, hydrological and population aspects can solve our problems.

First and most important area for action in my opinion—must be the Great Lakes*—Michigan and Superior are fragile lakes which have become repositories of pollutants because of their mixing bowl characteristics.

Huron, Erie and Ontario can flush out if proper effluents are substituted for the present pollution effluents.

Second most important is the Great River system—the Mississippi discharges 40% of the flow of the entire United States. The cities along the Mississippi-Missouri-Ohio depend on these rivers and tributaries for commerce, industry, farming and most important as a source of domestic water supply—Let us stop using these great rivers for massive waste disposal. Our brothers downstream need a supply of good water.

We then can enumerate our other river systems, great and small, which have most important domestic, industrial and agricultural characteristics.

The Potomac because it is the Nation's River.

The Calumet, the Milwaukee, the Detroit Maumee, and Cuyahoga, the Buffalo and Niagara because their effluents affect the Great Lakes so adversely.

The Nashua, Merrimack, Connecticut, Hudson, Delaware and Susquehanna because of their effects on the economics of their regions and the estuaries. And in like manner the James, the Savannah, the Escambia, the Mobile and the Brazos and the Houston Ship Channel.

Puget Sound and the San Francisco Bay area.

Myriad other rivers, other lakes—not too large on a continental map but of utmost importance to the people living and playing in a specific area.

Practically all of our river systems, our estuaries and our lakes have felt the onrush, the output of civilization's technology, directly or indirectly and have become loaded and overloaded with pollutants.

Now what do you do about this problem—problems and problems and problems.

Each must be solved separately and yet together. The solution of one isolated problem is only a very small step to the final answers of a better quality of life.

In the field of water quality as in other fields, there is a demand for immediate action in many unrelated fields—we might call it "government by crisis!"

But the solution of problems within this criteria of crisis leads nowhere. The problematic approach when limited to individual cases arrives nowhere—it is a train on a circular track.

The problematic approach must therefore be included in a systemic, systematic approach—with all roads and avenues of approach leading to a common goal.

A problem arising within one plant but common to an industry must be so solved that application of the solution can be industry-wide.

A problem at one sewage treatment plant must be so analyzed and cured that the same procedure can be utilized directly or indirectly at other plants.

An agricultural problem must be so approached that agricultural production continues.

These are the technological, engineering approaches to the problems.

Then we have the financing problems: How much will it cost to get something engineered and constructed for what final benefits?

In the sewage treatment construction field, we are continually updating and upgrading our facts and figures. Every day new facets of planning and engineering change these figures—up and down—down and up—mostly

up recently. I assure you. Verification of these changing figures is absolutely necessary. Today if we have three sources of information for a cost—we wind up with three sets of figures. The proper procedure then can only be to start with the best figure. Begin an action campaign and continually upgrade and verify the new figures submitted on the basis of new needs and present construction. Any other method leaves open avenues of possibility—Nay, probability—or error which demeans and even negates whole series of figures and nullifies the veracity of the total.

Third, we move into Research and Development Fields. Research to find more and better cures for problems; Development to adapt these cures into wide areas of application at more and more economical costs. This field is in its infancy in water pollution but is already providing a great many answers for prevention and utilization of wastes.

And we have to use equitable enforcement. Equality of enforcement is a necessity, otherwise the polluter will secure the equivalent of an unfair tax advantage over the non-polluter. And the enforcement should be so structured that it will utilize the present local and state political structures—moving in support of the City, County and State when the goals are compatible with achieving proper water quality standards; moving past City, County and State actions when those actions are incompatible with achievement of water quality standards.

As a result, the administration of President Nixon first designed, and then set into motion an action program of enforcement, research and development and funding and financing to achieve the goal of water pollution abatement, included in the goal of a better quality of life.

Enforcement actions under Secretary Hickel have been accelerated—143 hearings on the Great Lakes with recessed sessions only to move forward with proposed solutions; 3 hearings in 13 months on the Potomac after a lapse of 11 years; hearings all over the country designed to alleviate major problems—all with timetables of implementation furnished by participating states, cities and industries to abate and prevent pollution.

Eleven actions of abatement proceedings to end pollution, in specific areas—began with Secretary Walter J. Hickel's famous phrase—"Prosecute those who pollute," and we are proceeding toward abatement in each and every case.

Two instances of calling standard setting conferences—with more in the offing.

Research and development expanded over into more far reaching fields—and application of the results of the research.

In the area of legislation, the President has called for the expenditure of \$10 billion over a five-year period for the construction of the municipal waste treatment plants and interceptor lines needed to meet our national water quality standards.

The Federal Government's \$4 billion share of the cost is to be allocated at the rate of \$1 billion a year over the next four years, with a reassessment to be made in 1973 for subsequent years to insure the complete success of the program.

This is a new concept—full funding for the completion of the entire task—with insurance to the states and municipalities that the funds so desperately needed and relied upon will be there!

To make financing the municipal share of the program easier for local governments, the President proposed the establishment of an environmental financing authority (EFA). The EFA would buy any municipal bonds a community could not sell for treatment plant construction. In this way the President seeks to ensure that the construction of such facilities will depend, not on a community's credit rating, but on its disposal needs.

The President's overall environmental ac-

tion program, as it relates to water quality control, consists of the following points:

1. Authorization of \$4 billion to cover the Federal share of a \$10 billion plan needed for construction of municipal waste treatment plants.

2. Establishment of an environmental financing authority to ensure that every municipality can finance its share of treatment plant construction costs.

3. Revision of the statutory formula governing allocation of grants for treatment plant construction to permit the construction of plants where they are most needed and where the greatest improvement in water quality will result.

4. Requirement that treatment plants be built to prescribed design, operation and maintenance standards, and that they be operated only by certified operators.

5. Requirement that municipalities impose users fees on industrial users that are sufficient to meet the costs of treating industrial wastes.

6. Requirement that comprehensive river basin plans be drawn up to assure that the construction of municipal treatment plants is complemented by the abatement of all other sources of water pollution.

7. Encouragement of the construction of large-scale regional treatment facilities.

8. Extension of Federal-State water quality standards to include precise effluent standards for all industrial and municipal sources.

9. Provision that the violation of established water quality standards is sufficient cause for court action.

10. Revision of Federal enforcement procedures to permit swifter court action against those in violation of water quality standards.

11. Provision that violation of established water quality standards is subject to court-imposed fines of up to \$10,000 per day.

12. Authorization for the Secretary of the Interior to seek immediate injunctions where severe water pollution threatens imminent danger to health or irreversible damage to the water environment.

13. Extension of Federal pollution control authority to include all navigable waters, both inter- and intra-state, all interstate ground waters, the United States portion of boundary waters, and waters of the Contiguous Zone.

14. Tripling of Federal operating grants to state pollution agencies—from \$10 million now to \$30 million in 1975.

To ensure the effectiveness of all these proposals, the President has sent forward to Congress a plan for merging all the standards-setting and enforcement areas of the government currently involved with the protection of the environment. The new Environmental Protection Agency will make a coordinated, systematic attack on the pollutants which contaminate the air we breathe, the water we drink and the land that grows our food.

Gentlemen—

It's a juggling act—involving 204 million people, thousands of industries, millions of homes and apartments, thousands of municipalities, thousands of agriculturists, combining, cooperating, competing—putting out sewage, wastes and runoffs—an infinite number of combinations to be dealt with by our finite minds and comprehension and the final result to be for our betterment.

We had been unable in the past to project the results of the impact of our technology on our systems of ecology as the environment changed. We had not even thought it necessary to so project. As a result, we have had environmental disruption.

It is your responsibility, as citizens, it is my function under President Nixon and Secretary Hickel to so project, to so plan that the impact of our technology shall be minimized as to disruption, and shall be maximized as to positive change for the better for the future.

It is not a lost cause despite the millions

*Because they constitute one-fifth of our nation's water supply.

of factors involved—not the least of which are the millions of dollars necessary for a changed technique and outlook; it is not a lost cause if everybody accepts his or her responsibility; it is not a lost cause even if divergent paths are sought by well-meaning participants.

All factors, allocations, all paths must lead to solution of the pollution problems of our air, water and land. These problems are not going away so long as the population grows, industry expands and agriculture intensifies.

The problems will intensify instead—unless we meet them head on and conquer these problems.

It is our responsibility, our function to lead the fight upward and onward to President Nixon's better quality of life.

This generation, my generation has accomplished many wonderful things. Now, we have one more to start on—*improving the Environment*. We can do no less, since in accomplishing many wonderful things, we have also raised many new problems and burdens for future generations.

This generation, my generation can add no more burdens to the world of future generations.

[From the Beloit Daily News, Aug. 13, 1970]
FEDERAL REPRESENTATIVE TO FISH IN DELAVAN LAKE

DELAVAN.—The Delavan Lake Fish and Game Association was informed earlier this week that Carl L. Klein, assistant secretary of water quality research, U.S. Dept. of the Interior, will visit Delavan Lake Friday. Verification of Klein's arrival was received by Nick Marsicano, Fish and Game Association president from the office of Rep. Henry Schadeberg. Klein was instrumental in securing the \$100,000 federal grant for research of Jackson Creek. This project, presently under contract to Limnetics, Inc., Milwaukee, is slated to begin later this month. Studies will be made over a two year period to determine the best types of plant and animal life with which to rebuild Jackson Creek to cleanse the waters entering Delavan Lake via that route.

Klein's visit was requested several months ago by the Fish and Game Association for further information to interested residents of the lake area. A luncheon will be held in his honor Friday noon at Lake Lawn Lodge.

A tour of the lake is being scheduled for Friday morning. Klein will view the proposed test site in Jackson Creek and during the afternoon will accompany conservation Warden John Plenke on a fishing expedition.

[From the Janesville Gazette, Aug. 13, 1970]
ASSISTANT SECRETARY OF INTERIOR IS SCHEDULED SPEAKER IN DELAVAN

DELAVAN.—Carl L. Klein, assistant secretary of water quality research, U.S. Department of the Interior, will be guest speaker at an informal luncheon meeting here tomorrow.

The Delavan Lake Fish and Game Association is hosting the luncheon at 12:30 p.m. at Lake Lawn Lodge.

Klein was instrumental in assisting Limnetics, Inc., Milwaukee water environmental engineers, in securing the \$100,000 grant for the Federal Water Pollution Control Agency for research in Jackson Creek, a preliminary step to combating pollution in Delavan Lake.

Klein's visit, which was requested several months ago by the Delavan Lake Fish and Game Association, was verified Monday through a telephone call from the office of U.S. Congressman Henry C. Schadeberg to Nick Marsicano, president of the Fish and Game Association.

It is expected Rep. Schadeberg or a representative from his office will attend the meeting.

Also in attendance will be state senator, James Swan, Brian Gallagher and Dr. Rodney Harmsworth, officials of Limnetics.

Prior to the meeting, Klein will tour the lake with representatives of the Fish and Game Association, the Delavan Town Board, and other concerned groups.

Following the meeting, Klein will go fishing on the lake with John Plenke, Walworth County conservation agent.

In charge of arrangements for Klein's visit and the meeting are Marsicano, Donald Johnson and Mrs. Virginia Porter.

[From the Burlington Standard-Press, Aug. 13, 1970]

GOVERNMENT OFFICIAL TO ADDRESS DELAVAN GROUP

Assistant Secretary of the Interior Paul L. Klein will address the Delavan Lake Fish and Game Association and interested individuals at noon Friday, Aug. 14, at Lake Lawn Lodge, according to an announcement made Tuesday by Congressman Henry C. Schadeberg.

In conjunction with his speaking engagement, Klein, assistant secretary for water quality and research, will tour the reactor site of a planned \$100,000 antipollution project on Delavan Lake with Congressman Schadeberg; Herb Johnson, consulting engineer; Hugo Hammerstrom, Delavan Township supervisor; officials of Limnetics, Inc., Milwaukee; and members of the Delavan Lake Improvement Association. The DLIA representatives, Schadeberg and Limnetics were instrumental in securing the federal grant for the pilot pollution abatement project which is presently under construction.

Klein will speak at the noon luncheon before a gathering of interested citizens on the subject of pollution abatement and community involvement.

Among the guests of Nick Marsicano, president of Delavan Lake Association and Congressman Schadeberg are James Swan, state senator, 15th district; state Assemblyman Clarence Wilger; Mayor Robert Miller; Dr. Brian Gallagher, president of Limnetics; and representatives from the first congressional district.

[From the Delavan Enterprise, Aug. 13, 1970]
CABINET AIDE TO INSPECT DELAVAN PROJECT

Delavan Lake's anti-pollution program, specifically the Jackson Creek reactor project for which \$47,000 in federal funds has been approved by the department of the interior, will be inspected tomorrow (Friday) by the assistant secretary of the interior for water quality and research.

Carl Klein, assistant to secretary of the interior Walter Hickel, will arrive at Lake Lawn Lodge Thursday afternoon for a two day visit that is expected to include an inspection of the reactor site, meetings with Delavan Lake organizations, a public meeting Friday noon at Lake Lawn and a fishing expedition on the lake Friday afternoon.

The visit is being sponsored by the Delavan Lake Fish and Game Association, Inc., with assistance from the Delavan Lake Improvement Association, the NOW (Neighbor Organizations Working) group and the Delavan Jaycees. Individuals and firms including Limnetics, Inc., are also cooperating, Nick Marsicano, Fish and Game president, said.

Klein's schedule also includes a dinner with lake organization leaders and officers of Limnetics, Inc., at the Village, South Shore drive, Thursday night. Limnetics is the firm which has been awarded the federal grant to build a pilot model of a reactor in Jackson Creek, which feeds into Delavan Lake at the Inlet. The reactor is designed by Limnetics to remove pollutants from the water.

Lake leaders hope that the cabinet level official's visit will boost the anti-pollution effort at the lake. The effort already has resulted in formation of a sanitary sewer district (see story this page) and the federal grant as well as a successful suit to require

the city of Elkhorn to enlarge its sewage disposal and storm water disposal facilities.

Klein has long carried the nickname "Clean Streams Klein", earned during his service on the state of Illinois' water pollution and water resources commission. He was a leader in his state's fight against water pollution while serving on the commission and in the Illinois state legislature.

A native of Wisconsin, Klein was appointed assistant secretary by President Richard Nixon in 1969. He has been a practicing attorney in Chicago since 1942.

[From the Delavan Enterprise, Aug. 14, 1970]
GO TO FULL-SIZE PROJECT AT JACKSON CREEK: KLEIN

(By Joyce Edmunds)

DELAVAN.—Engineers should skip the first phase of the Jackson Creek experimental pollution abatement project and get immediately into a full-size project.

Carl Klein, assistant secretary of the interior surprised about 150 persons attending a luncheon at Lake Lawn Lodge yesterday with his statement. The project Klein referred to is an experimental biological reactor aimed at cleaning up Jackson Creek which flows into Delavan Lake.

Klein, who is involved with water quality and research with the department of interior, was in Delavan yesterday in connection with the \$100,000 grant which was approved last May by the Federal Water Quality Agency for the Jackson Creek pilot project.

He was accompanied by U.S. 1st District Congressman Henry C. Schadeberg.

The two were instrumental in securing the grant for Limnetics, Inc., Milwaukee water environmental engineering firm which is conducting the experiment. Limnetics was engaged two years ago by the Delavan Lake Fish and Game Association to study the problem of pollution in the lake and make recommendations.

TOUR JACKSON CREEK

Klein and Schadeberg were taken on a tour of the Jackson Creek site and Delavan Lake by fish and game association officials yesterday morning prior to addressing members of the association, community officials and invited guests who attended the luncheon meeting.

Brian Gallagher, president of Limnetics, told of Klein's suggestion to accelerate the program after the meeting.

"I'm so pleased to hear we might be able to accelerate the program and go right to a full scale reactor. It caught us by surprise. We'll have to have some further discussion and see what happens," he said.

EXPLAINED PROJECT

Gallagher explained the first phase of the project consists of a biological reactor on an experimental small scale alongside Jackson Creek.

Gallagher said construction would begin on the first phase in late August and would be completed by mid-September. Progress of the experimental program would then be studied for a year, Gallagher said, and if successful, would result in construction of phase two next year—the reconstruction of Jackson Creek to create a full-size biological reactor within the creek itself.

"What we will do, is try to explore the feasibility of accelerating nature's own aeration and purification process of the stream by concentrating the action in a small area," Gallagher said.

"We will study the feasibility of controlling the food chain within a stream starting with bacteria and continuing on up through higher forms of life, eventually to fish. We hope to divert those nutrients that are presently contributing to the growth of algae and rapid eutrophication of the lake into higher forms of life," Gallagher said.

Finally, Klein said, we can enumerate our other river systems. Practically all our river

systems, our estuaries and our lakes have felt the onrush, the output of civilization is technology, directly or indirectly and they have become overloaded with pollutants.

SOLVE THE PROBLEM

"You here at Delavan Lake are one of thousands of problems—a problem we have to solve," Klein added.

President Nixon has called for an expenditure of \$10 billion over a five-year period for the construction of municipal waste plants and interceptor lines needed to meet our national quality standards, Klein said.

Of that amount, the federal government's share would be \$4 billion to be allocated at the rate of \$1 billion a year, Klein said with a reassessment to be made in 1973 or subsequent years to insure the complete success of the program.

Part of President Nixon's program would make it easier for municipalities to borrow money for pollution abatement.

"This generation, my generation, has accomplished many wonderful things," Klein said. "Now we have to start on improving the environment. We can do no less since, in accomplishing many wonderful things, we have also raised many new problems and burdens for future generations."

Klein's proposal to eliminate phase I would set the program ahead one year, Klein said. Schadeberg had taken steps yesterday morning to enlist the aid of the ASCS in the project.

LISTS PRIORITIES

"More important than all other factors I've mentioned in this one item: the same fresh water supply we are polluting day after day with these human, industrial and agricultural wastes, constitutes the water supply of the millions of people who pollute it," Klein said.

The most important areas for immediate action is the Great Lakes because they constitute a fifth of the nation's water supply, he added. There is hope for them, he said, if the country acts quickly.

Next in priority, he listed the great river system headed by the Mississippi which he said discharges 40 per cent of the water in the United States, and he included the Ohio and Missouri rivers and their tributaries.

"Let us stop using these great rivers for massive waste disposal. Our brothers downstream need a supply of good water," he added.

[From the Janesville Gazette, Aug. 14, 1970]

CABINET AIDE LAUDS DELAVAN LAKE PROJECT (By Joyce Edmunds)

DELAVAN.—An experimental biological reactor which is planned for use in cleaning up Delavan Lake, could have an impact on the entire ecological system in preventing pollution.

That statement was made by Carl Klein, assistant secretary of the U.S. Department of the Interior at a press conference this morning at Lake Lawn Lodge. Klein works for the water quality and research branch of the department.

Klein, accompanied by U.S. Congressman Henry C. Schadeberg, 1st District representative, was in Delavan to speak at the informational luncheon meeting sponsored by the Delavan Lake Fish and Game Association at Lake Lawn, concerning the \$100,000 Federal Water Quality Agency (FWQA) grant for the Jackson Creek pilot pollution abatement project.

"The FWQA has been designated by President Nixon to restore this nation's lakes," Klein said.

"This project shows the viability of the President's policy of local, state, and federal government working together."

He commended Delavan Lake residents for their efforts in initiating the lake clean-up program.

CXVI—2062—Part 24

"Because this is a nation-wide problem, it's not just Lake Delavan, it's everywhere," Klein said.

"This project would utilize a fast-running stream that cleans itself up before pollution gets in here (Delavan Lake). It would be a natural process. You don't need chemicals. You just let nature do its job."

Jackson Creek, into which the City of Elkhorn and Walworth County Home and Hospital dump their treated sewage, flows into Delavan Lake at its northeast end.

Counting the agricultural runoff which drains into the creek, 75 per cent of Delavan Lake's pollution problem enters the Lake through Jackson Creek, Gallagher said.

The biological reactor, if successful, could provide a very economical method of treating polluted streams, he added.

Construction on the pilot project will get underway the end of this month, Gallagher said, and will be completed within two or three weeks.

The project will be kept under close observation and study for the next month, he said. If it proves successful, Limnetics will proceed with the second phase of the program, which involves the reconstruction of Jackson Creek, turning the entire stream into a biological reactor system.

Gallagher said the federal grant would provide 91 per cent of the total cost.

The Delavan town board has already authorized \$2,500 for the project.

Donations have been sought and contributed by the Delavan Lake Fish and Game Association, ACTION and NOW (Neighborhood Organizations Working together), committees towards the pollution abatement program.

Additional assistance is expected from the Delavan Lake Improvement Association.

Brian Gallagher, president of Limnetics Inc., Milwaukee water and environmental engineering firm which developed the plan, explained the biological reactor would consist of a 100-foot trough consisting of several sections or compartments of graded rocks which will be constructed alongside Jackson Creek. 100,000 gallons of creek water or approximately two per cent of the stream's entire flow, will be inverted daily through the reactor trough, Gallagher said.

Nature's own purification process whereby billions of friendly bacteria grown on the rocks, literally "eat" offensive solids and break down some of the unfriendly bacteria in a series of processes, would then take over.

By this means Limnetics hopes to accelerate the natural purification process and improve water quality before it enters Delavan Lake, Gallagher said.

[From the Beloit Daily News, Aug. 14, 1970]

INTERIOR OFFICIAL VIEWS DELAVAN LAKE

DELAVAN.—Assistant Secretary of the Interior, Carl L. Klein, toured Delavan Lake this morning, following a press conference at Lake Lawn and viewing of the planned biological reactor site near Jackson Creek.

Klein was accompanied on his boat trip around the lake by Rep. Henry C. Schadeberg, Walworth County Conservation Warden John Plenke, representative of Limnetics, Inc., Milwaukee and Delavan Lake residents instrumental in securing the pollution studies here.

During the press conference, Klein acknowledged that water pollution is a nationwide problem. He said the Federal Water Quality Administration had been designated by President Nixon to take the lead in lake restoration. Klein said Schadeberg held a large responsibility for the Delavan Lake studies due to his interest in the local situation.

Klein was guest of honor Thursday night at an informal dinner at the Village Supper Club, Delavan Lake.

Representatives of lake groups, business and industry officially welcomed him to the area. During brief comments following the dinner Klein told his audience that there are 22 intermingled elements which cause lake pollution and yet phosphates are the only item which can be sufficiently dealt with. He explained tertiary treatments is merely a straining of the water whereas advanced waste treatments removes the phosphates.

The biological reactor planned for Jackson Creek will simulate a horizontal trickling filter plant for water entering the lake from that source. Construction is expected to begin in two weeks.

Klein said "There is no pure water left anywhere in the United States." He advised that the Lake Erie project called for the same type of treatment to be used here but that they (the Federal Water Pollution Control Administration) did not have time to test in Lake Erie.

In closing Klein stated "The saying seems to be 'Am I my brother's keeper?' and the answer is apparently supposed to be 'not if I live upstream.'"

Klein was feted in a luncheon at Lake Lawn Lodge this noon prior to a round of golf at Delbrook Golf Club and his departure.

MIKE KIRWAN KNOWN FOR HIS IRISH WIT

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, I would like to bring to the attention of my colleagues a recent article by Mr. John R. Cauley concerning the passing of our beloved colleague Michael J. Kirwan. Mr. Cauley, a distinguished and respected journalist on Capitol Hill, remembers Mike as I do.

In his years as a Member of the House Mike built a record as a formidable political figure. Yet he is remembered more importantly as a warm and cordial human being. The scores of anecdotes about Mike provide profound insight into his many faceted personality. I remember his sense of humor and his warm friendship. His care for, and desire to serve his fellow man was truly the mark of a concerned and unselfish individual.

Mike's passing marks the end of an era. He will be missed by all of his colleagues who in the years since 1937 shared in his leadership, friendship, and kindness.

Mr. Cauley relates two of my favorite stories about Mike and I look forward to seeing more placed in the RECORD.

Mr. Speaker, I am honored at this time to place in the RECORD the remembrances of Mr. Cauley:

[From the Kansas City Star, Aug. 6, 1970]

MIKE KIRWAN KNOWN FOR HIS IRISH WIT

(By John R. Cauley)

WASHINGTON.—The name of Rep. Michael J. Kirwan (D-Ohio) was hardly a household word in Missouri, Kansas or, for that matter, any other area in the country. But here on Capitol Hill he exerted formidable power as chairman of the House appropriations subcommittee on public works, which dispenses millions of dollars a year for local projects, and as chairman of the Democratic national

congressional committee which distributes millions of dollars in campaign funds.

Indeed, every flood-control project, the reservoirs and the channel improvements in Kansas and Missouri are there largely because Mike Kirwan said "yes." When river leaders came to Washington the man to see was Kirwan. He never let the tag "dispenser of the pork barrel" bother him.

Last week Mike Kirwan died at the age of 83 after serving in Congress since 1937. Mike, who was a close friend of this correspondent, had a complex personality. In the political wars he was rough, combative and partisan. But he also was a warm, amusing and kindly human being, possessing one of the great attributes of the Irish—loyalty to his friends.

The anecdotes about Kirwan are legion, but this correspondent always remembers two of them.

Mike Kirwan never even finished grade school. As a boy in Pennsylvania he worked in a coal mine called "Heidelberg Eight." Later he migrated to Ohio, got into politics and was elected to Congress from the Youngstown area.

When Mike arrived in Washington he was told by friends that because he was a member of Congress, he could get a room at the fashionable University club here, even though he had never been graduated from a college.

One night there was a membership meeting of the University club at which each member arose, stated his name occupation and year of graduation such as "John Smith; lawyer, Harvard, '25."

When Mike was called upon he solemnly said, "Michael J. Kirwan, member of Congress, Heidelberg Eight." A few of his friends there, knowing that Heidelberg Eight was a coal mine and not the famous university in Germany, were silently amused, but most of the members appeared impressed.

The story of the membership meeting and Heidelberg Eight quickly got around to Mike's colleagues in the House and he often took a ribbing about it.

In 1963 this correspondent traveled to Europe with the late President John F. Kennedy and when Mr. Kennedy returned to this country we stayed in Europe to do stories on Germany. One night we arrived at a hotel in Heidelberg and spotted a post card showing the famous German university.

We sent the card to Kirwan with this notation: "Dear Mike: Your professors here

at Heidelberg remember you as a brilliant student."

Kirwan was delighted when the card arrived and showed it all over the House floor saying, "You thought it was a joke that I was graduated from Heidelberg. Now here's proof."

The other incident concerns the time that Mike and several other members of Congress accompanied President Kennedy to Ohio for a speech. On the flight out, Mike by his own account, imbibed a few too many bourbons, and when the plane landed, Mike, not wanting to embarrass the President at the ceremony, crawled into a bunk on the plane, pulled back the curtain and went to sleep.

When the presidential party returned to the plane, a Secret Service agent approached Kennedy and said, "Mr. President, everyone is aboard and accounted for except Congressman Kirwan."

The President said, "This plane is not going to leave until we find Mike Kirwan."

A search of the plane finally located Kirwan sound asleep and the word was conveyed to Mr. Kennedy.

"Now we can go," the President said with a grin. "The lost sheep has been found."

Mike was usually successful in obtaining appropriations but once he gambled and lost. He wanted to build a canal linking the Ohio river and Lake Erie.

This project got to be known as "Mike's billion-dollar big ditch." Because of his powerful position, his colleagues went along with funds for the studies, but when it became apparent that the cost would be a billion dollars or more and the newspapers exposed the scheme, Mike backed down, still insisting, however, that it was a great idea.

Kirwan later was successful in convincing Congress to build a 10-million-dollar aquarium for fresh water and salt water creatures in the nation's capital. It was another difficult vote for his colleagues, who saw little merit in it, but they did not want to offend Kirwan.

Wayne Morse, the former senator from Oregon called it "a fish hotel," and Kirwan retaliated by deleting funds for Morse's pet projects in Oregon.

Kirwan's intransigence about the aquarium stemmed from early romantic associations with aquariums. As a young man he had no money to court his girl friends, he once recalled sentimentally, and so they would go to the free city aquarium in Ohio on

Sunday afternoons. Mike thought young couples and families with children would get as much pleasure out of the free aquarium as he did.

THE HISTORIC OCCASION OF THE MERGER OF THE MAYFIELD SYNAGOGUE WITH THE HILLCREST SYNAGOGUE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1970

Mr. VANIK. Mr. Speaker, it was my great honor and privilege to attend the rededication celebration and installation of officers of the newly merged Mayfield-Hillcrest Synagogue on September 13, 1970. It is rare that one has the opportunity to participate in such a historic occasion. Here, in this instance, the hundreds of families of both synagogues agreed to join their resources and their deep religious convictions and spirit to one united religious body. That feeling was very much in evidence at the beautiful ceremony which I was privileged to personally witness.

I wish to extend my sincere congratulations to the spiritual leader of this newly created and vital congregation, Rabbi Jacob Shtull; to the newly installed president of the congregation, Dr. Oscar Stadler; to Cantor Walter Boninger; to Jack Dannhauser, who was chairman of the program; and to all of the officers and auxiliary presidents of the various clubs and groups within this congregation.

The work of love which has brought these two great congregations together bodes well for a creative, genuinely religious covenant for a long way into the future. This congregation has truly begun the Jewish New Year in a very auspicious and wonderful way.

HOUSE OF REPRESENTATIVES—Monday, September 21, 1970

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O satisfy us early with Thy mercy: that we may rejoice and be glad all our days. Psalm 90: 14.

Almighty and Eternal God, Ruler of the heavens and the earth, yet who art mindful of a falling sparrow and a cup of cold water given to one in need, help us in this quiet moment to lift our hearts unto Thee, to feel Thy presence near and to make ourselves ready for the duties of this day.

Give to each one of us a mind free from narrowness and ever open to the light of truth, a heart sensitive to human need and always eager to do good, and a spirit standing in reverence before Thee resolved to do Thy will seeking what is true and honorable and gracious and just.

We pray for our country, that our peo-

ple may be free from bigotry and bitterness and that by giving primary allegiance to Thee may reap the harvest of a common faith and a common brotherhood.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, September 17, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1747. An act for the relief of Jose Luis Calleja-Perez;

H.R. 10149. An act for the relief of Jack W. Herbstreit;

H.R. 17613. An act to provide for the designation of the Veterans' Administration facility at Bonham, Tex.; and

H.R. 17734. An act for the relief of Sherman Webb and others.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and joint resolutions of the House of the following titles:

H.R. 15073. An act to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes;

H.R. 15424. An act to amend the Merchant Marine Act, 1936;

H.J. Res. 1154. Joint resolution authorizing the President to proclaim National Volunteer Firemen's Week from September 19, 1970, to September 26, 1970; and

H.J. Res. 1178. Joint resolution authoriz-